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Paper No. 18
Entered: August 2, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2023-01157 (Patent 11,405,224 B2)
IPR2023-01226 (Patent 10,237,773 B2)
IPR2023-01250 (Patent 9,277,433 B2)
IPR2023-01336 (Patent 9,137,701 B2)
IPR2023-01337 (Patent 9,521,578 B2)

Before ROBERT J. WEINSCHENK, GARTH D. BAER,
SCOTT B. HOWARD, and STEPHEN E. BELISLE,
Administrative Patent Judges.[1]

PER CURIAM.

DECISION
Due to Settlement After Institution of Trial
35 U.S.C. § 327; 37 C.F.R. § 42.74

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[1] This is not an expanded panel.

I. INTRODUCTION

On July 29, 2024, with Board authorization in an e-mail sent July 25, 2024, the parties filed a "Joint Motion to Terminate" in each proceeding. Paper 17[2] ("Mot."). Along with the Joint Motion, the parties filed a copy of a Settlement Agreement ("Agreement," Ex. 1020) as well as Joint Requests to Treat Exhibit 1020 as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 18 ("Joint Request")), in each of the above-identified proceedings.

Referring to the Agreement, the Motion states that "there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding." Mot. 1.

II. DISCUSSION

On June 20, 2023, Petitioner filed a Petition requesting *inter partes* review of claim 1–17 of U.S. Patent No. 11,405,224 B2. Paper 2. On January 22, 2024, we instituted a trial. Paper 9. We have not yet decided the merits of the proceeding, and a final written decision has not been entered.

Notwithstanding that the case has moved beyond the preliminary stage, the parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the parties.

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[2] We refer to papers and exhibits in IPR2023-01157. Similar documents were filed in the other proceedings.

The parties also filed a Joint Request that the Agreement be treated as business confidential information and be kept separate from the file of the respective patents involved in each of the above-identified *inter partes* proceedings. Joint Request 1. After reviewing the Agreement between Petitioner and Patent Owner, we find that the Agreement contains confidential business information regarding the terms of settlements. We determine that good cause exists to treat the Agreement between Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that each of the parties' Joint Motions to Terminate (e.g., Paper 17) are *granted*, and each of the above proceedings is *terminated* with respect to Petitioner and Patent Owner, pursuant to 37 C.F.R. § 42.72; and

ORDERED that each of the parties' Joint Motions to treat the Agreement as business confidential are *granted*, and the Agreement shall remain designated as "Parties and Board Only" in Board's filing system, shall made available only to Federal Government agencies on written request, or to any person on a showing of good cause, and shall be kept separate from the files of the involved patents and associated preliminary proceedings, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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IPR2023-01337 (Patent 9,521,578 B2)

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