

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
Petitioners,

v.

WOODBURY WIRELESS, LLC,
Patent Owner.

IPR2023-01364
Patent 10,211,895 B2

Before MICHAEL J. STRAUSS, BRIAN J. McNAMARA, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

TERMINATION

Granting Joint Motion to Terminate Prior to Institution of Trial
Granting Joint Request to File Settlement Agreement as Business
Confidential Information
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

I. Introduction

With the Board’s authorization, Petitioners Ericsson Inc., Cellco Partnership D/B/A Verizon Wireless and Patent Owner Woodbury Wireless, LLC (collectively, “the parties”) filed a Joint Motion to Terminate (“Motion” or “Mot.”) in the above-identified proceeding. Paper 8. In support of the Motion, the parties filed copies of the Settlement Agreements (Exs. 2002, 2003) and a Joint Motion to Keep Separate Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74 (Paper 9).

II. Discussion

In the Joint Motion, the parties requested the Board terminate the above-identified *inter partes* review proceedings as a result of a settlement agreement reached between Petitioners and Patent Owner. Mot. 1. The parties aver that good cause exists for termination of this proceeding because “[t]erminating the proceeding now would thus serve the interests of judicial economy as well as the mutual interest of the parties.” *Id.* (citing 35 U.S.C. § 317(a); Consolidated Trial Practice Guide, 86 (Nov. 2019).). According to the Motion, the parties have resolved all disputes relating to this proceeding; filed a true and correct copy of the Settlement Agreement; and “no other collateral agreements or understandings, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 1–2 (citing Exs. 2002, 2003).

This proceeding is in its early stages. We have not yet decided whether to institute *inter partes* review in this proceeding, and the Motion adequately shows that termination is appropriate. Under these

circumstances, we determine that good cause exists to terminate the proceeding.

The Parties also have requested that the Settlement Agreements be treated as business confidential information and be kept separate from the files of the two challenged patents. Joint Motion to Keep Separate, 1. After reviewing the Settlement Agreements, we find that they contain confidential business information regarding the terms of settlements. We determine that good cause exists to treat the Settlement Agreements 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

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that IPR2023-01364 *terminated* with respect to Petitioners and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74; and

FURTHER ORDERED that the Joint Motion to Treat the Settlement Agreement as Business Confidential Information is *granted*, and the confidential Settlement Agreements (Exs. 2002, 2003) shall be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c) and be kept separate from the files of the challenged patents and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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