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Paper No. 27
Entered: January 10, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HISENSE USA CORPORATION,
Petitioner,

v.

BRIGHTPLUS VENTURES LLC,
Patent Owner.

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IPR2023-01168 (Patent 9,605,835 B2)
IPR2023-01311 (Patent 8,177,382 B2)
IPR2023-01385 (Patent 7,690,812 B2)
IPR2023-01401 (Patent 8,941,331 B2)
IPR2023-01410 (Patent 8,294,075 B2)
IPR2023-01411 (Patent 7,872,705 B2)
IPR2023-01412 (Patent 8,330,710 B2)

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Before BARBARA A. PARVIS, STACEY G. WHITE, KEVIN C. TROCK, and JOHN D. HAMANN, *Administrative Patent Judges*.[1]

PER CURIAM.

DECISION
Due to Settlement After Institution of Trial
*35 U.S.C. § 317; 37 C.F.R. § 42.74*

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[1] This is not an expanded panel. Each proceeding is assigned to a panel including only three of the Administrative Patent Judges listed.

## I. INTRODUCTION

On January 3, 2025, with Board authorization in an e-mail sent the same day, the parties filed a "Joint Motion to Terminate" in each proceeding. Paper 37[2] ("Mot."). Along with each of the Joint Motions, the parties filed a copy of a "Settlement Agreement" ("Settlement Agreement," Ex. 1037[3]). The parties also filed in each proceeding a "Joint Motion to File Settlement Agreement As Business Confidential Information." Paper 38.

## II. DISCUSSION

In the Joint Motions to Terminate, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings and that the filed copies of the Settlement Agreements are true and complete copies. *See generally* Mot. The Parties further represent that their Settlement Agreements resolve "all disputes" relating to the challenged patents in the proceedings. *See, e.g.*, Mot. 1–2.

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed."

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[2] We refer to papers in IPR2023-01168. Similar papers were filed in the other proceedings.

[3] The Agreement is Ex. 1031 in IPR2023-01311, Ex. 1028 in IPR2023-01385, Ex. 1029 in IPR2023-01401, Ex. 1044 in IPR2023-01410, Ex. 1016 in IPR2023-01411, and Ex. 1021 in IPR2023-01412.

Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

We instituted a trial in each of the proceedings. *See, e.g.*, Paper 7. We have not yet decided the merits of any of the proceedings, and no final written decision has been entered. Notwithstanding that each proceeding has moved beyond the preliminary stage, the Parties have shown adequately that the termination of each proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate each proceeding with respect to the Parties.

After reviewing the Agreements between Petitioners and Patent Owner, we find that the Agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Agreements between Petitioners 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 37) 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;

ORDERED that each of the parties' Joint Motions to treat the Agreement (e.g. Ex. 1038) as business confidential are *granted*, and the Settlement 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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