

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC.,
Petitioner,

v.

TAASERA LICENSING LLC,
Patent Owner.

IPR2023-01466
Patent 9,092,616 B2

Before NEIL T. POWELL, KRISTI L. R. SAWERT, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

Petitioner (CrowdStrike, Inc.) and Patent Owner (Taasera Licensing LLC) have indicated that they have reached an agreement to settle this proceeding. With the Board’s authorization, on December 15, 2023, the parties filed a Joint Motion to Terminate (“Joint Motion” or “Mot.”) (Paper 8) and a Joint Request (“Joint Request” or “Req.”) (Paper 9) to treat a confidential Settlement Agreement and a confidential Release (collectively, “Agreements”) as business confidential information and to keep the Agreements separate from the file of the involved patent, along with copies of the confidential Agreements (Ex. 2001 and Ex. 2002). The parties describe the filed copies of the Agreements as comprising “a true and correct copy [of the Settlement Agreement]” and “[a] true and correct copy of [the] confidential release.” Mot. 2–3. The parties represent that the Agreements “resolve their disputes in the above-captioned *inter partes* review [(IPR2023-01466)] relating to U.S. Patent No. 9,092,616” (Mot. 1), and that the Agreements evidence the parties’ “agree[ment] to terminate this proceeding [(i.e., IPR2023-01466)] and the Parties’ related district court proceeding” (Req. 1). The parties further represent that “[t]here are no other collateral agreements between the Parties made in connection with, or in contemplation of, the termination sought,” and “certify that there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.” Mot. 1, 3.

This proceeding is at an early stage, as we have not yet decided whether to institute a trial. There are strong public policy reasons to favor settlement between the parties to a proceeding. *Patent Trial and Appeal Board Consolidated Trial Practice Guide*, 84 Fed. Reg. 64,280 (Nov. 21, 2019). In view of the parties’ settlement at an early stage of the proceeding,

we determine that good cause exists to terminate this proceeding.

In the Joint Request, the parties ask “that the Board treat as business confidential information, the true copy of the executed agreement resolving the Parties’ disputes . . . (Exhibit 2001), and the related release agreement between the parties (Exhibit 2002).” Req. 1. The parties further request that Exhibits 2001 and 2002 be kept “separate from the files of the involved patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).” Mot. 1. We determine that it is appropriate to treat the Agreements as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Accordingly, we *grant* this aspect of the parties’ Joint Request.

The parties further request “that the Board inform [the parties] if anyone seeks production of Exhibits 2001 or 2002 and afford the Parties an opportunity to address whether such request is supported by good cause.” Req. 2. The parties have provided no basis for granting this request. Thus, we deny this part of the parties’ Joint Request.

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

Accordingly, it is:

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

FURTHER ORDERED that this proceeding is terminated as to all parties; and

FURTHER ORDERED that the Joint Request is *granted-in-part* and *denied-in-part*, and the Agreements shall be treated as business confidential information, shall be kept separate from the file of U.S. Patent 9,092,616 B2 and be made available only under the provisions of 35 U.S.C. § 317(b) and

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37 C.F.R. § 42.74(c).

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PETITIONER:

Adam P. Seitz
Paul R. Hart
ERISE IP, P.A.
adam.seitz@eriseip.com
paul.hart@eriseip.com

PATENT OWNER:

Peter Lambrianakos
Vincent J. Rubino, III
Joseph M. Mercadante
FABRICANT LLP
plambrianakos@fabricantllp.com
vrubino@fabricantllp.com
jmercadante@fabricantllp.com