

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

MOBILE DATA TECHNOLOGIES LLC,
Patent Owner.

IPR2024-00246 (Patent 8,793,336 B2)
IPR2024-00247 (Patent 8,825,801 B2)
IPR2024-00248 (Patent 9,032,039 B2)
IPR2024-00249 (Patent 9,619,578 B2)
IPR2024-00250 (Patent 9,922,348 B2)¹

Before CHRISTOPHER M. KAISER, KEVIN C. TROCK, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

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

¹ This order addresses an issue common to the above cases. The parties may not use this style caption unless authorized.

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I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively referred to as “the Parties”) filed a Joint Motion to Terminate due to settlement in each of the above-identified proceedings. Paper 39 (“Joint Motion”).² In support of the Joint Motion, the Parties filed a Patent Dismissal Agreement (Ex. 2024 (“Settlement Agreement”)). In the Joint Motion, the parties request to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of these *inter partes* review proceedings, and that the filed copy of the Settlement Agreement is a true and complete copy. Joint Motion, 2–3. The Parties further represent that their settlement agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above identified Patents at issue. *Id* The Parties also “certify that there are 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 3.

² We refer to papers and exhibits in IPR2024-00246. Similar documents were filed in IPR2024-00247, IPR2024-00248, IPR2024-00249, and IPR2024-00250.

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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.”

Section 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

We instituted a trial on each of the above-identified proceedings on June 11, 2024. Paper 12. We have not yet decided the merits of these proceedings, and no final written decision has been entered in any of these proceedings. Notwithstanding that these proceedings have moved beyond the preliminary stage, the Parties have shown adequately that termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement 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).

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III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' Joint Request to treat the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c) is *granted*, and the Settlement Agreement (Exhibit 2024 in all five cases) shall be kept separate from the files of Patents 8,793,336 B2, 8,825,801 B2, 9,032,039 B2, 9,619,578 B2, and 9,922,348 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the parties' Joint Motion to Terminate (IPR2024-00246, Paper 39; IPR2024-00247, Paper 38; IPR2024-00248, Paper 38; IPR2024-00249, Paper 38; IPR2024-00250, Paper 38) is *granted*, and the above-identified proceedings are *terminated*.

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