

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORP., ERICSSON INC.,
AT&T SERVICES, INC., CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS, and T-MOBILE USA, INC.,
Petitioners,

v.

WIRELESS ALLIANCE LLC,
Patent Owner.

IPR2024-00619
Patent 10,045,383 B2

Before MICHELLE N. WORMMEESTER, AMBER L. HAGY, and
ANDREW L. NALVEN, *Administrative Patent Judges*.

NALVEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, all Petitioners and Patent Owner (“the Parties”) filed a Joint Motion to Terminate the above-identified proceeding (Paper 24 (“Joint Motion”)), along with copies of their respective written Settlement Agreements (Exs. 2009–2013 (collectively, “Settlement Agreements”)). The Parties further filed a Joint Request to treat the Settlement Agreements as business confidential information and to keep the Settlement Agreements separate from the ’383 patent file. Paper 25 (“Joint Request”). For the reasons discussed below, we grant the Joint Motion and Joint Request.

II. ANALYSIS

In the Joint Motion, the Parties represent that they have resolved their dispute regarding the ’383 patent. Paper 24, 1. The Parties further represent that the copies of the filed Settlement Agreements are “true and correct copies” and that “[t]here are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination sought.” *Id.* at 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.” 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 trial in this proceeding. Paper 19. Notwithstanding that the proceeding has moved beyond the preliminary stage, the Parties have adequately shown that termination of the proceeding is appropriate. The

parties have not completed substantive briefing and we have not yet decided the merits. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

In the Joint Request, the Parties request that the Settlement Agreements be treated as business confidential information and be kept separate from the file of the '383 patent. Paper 25. After reviewing the Settlement Agreements between Petitioners and Patent Owner, we find that the Settlement Agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement 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).

ORDER

For the reasons given, it is

ORDERED that the Joint Motion is *granted*, and IPR2024-00619 is *terminated* with respect to Petitioners and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreements shall remain confidential and be kept separate from the file of the '383 patent, and be 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).

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