

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINKEDIN CORP.,
Petitioner,

v.

ALMONDNET, INC. and INTENTIQ, LLC,
Patent Owner.

IPR2024-00709
Patent 10,715,878 B2

Before KRISTEN L. DROESCH, STACEY G. WHITE, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate the above-identified proceeding. Paper 7 (“Mot.”). The Parties also filed a Joint Request (Paper 8 (“Joint Request”)) to treat a confidential Settlement Agreement (Ex. 1024) as business confidential information and to keep the Settlement Agreement separate from the file of U.S. Patent No. 10,715,878 B2 (“the ’878 patent”).

II. DISCUSSION

In the Joint Motion, the Parties represent that their dispute with respect to the ’878 patent has been resolved, that the Settlement Agreement “is the sole and entire agreement between LinkedIn and AlmondNet made in connection with, or in contemplation of, terminating this proceeding,” “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 the present proceeding,” and the Settlement Agreement “represents a true and accurate copy of the Settlement Agreement between the Parties.” 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.” This proceeding is at an early stage. We have not yet decided the merits of this proceeding, and a final written decision has not been entered in this proceeding. In addition, 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). Under these circumstances, and in view of the parties' settlement and representations, we determine that good cause exists to terminate this proceeding. Accordingly, we grant the Joint Motion.

The parties also request "their settlement agreement, filed concurrently herewith as Exhibit 1024, be treated as business confidential information and be kept separate from the file [of the '878 patent]." Joint Request 1. The parties further request that the Settlement Agreement "be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)." *Id.* We have reviewed the Settlement Agreement, which the parties contend contains confidential business information regarding the terms of settlement, and we determine that good cause exists to treat the Settlement Agreement as business confidential information and to keep them separate from the file of the '878 patent. Accordingly, we grant the parties' Joint Request.

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, and that IPR2024-00709 is terminated; and

FURTHER ORDERED that the Joint Request is granted, and the Settlement Agreement (Ex. 1042) shall be treated as business confidential information, shall be kept separate from the files of U.S. Patent No. 10,715,878 B2, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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