

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., GARMIN LTD., and
ZEPP HEALTH CORPORATION¹
Petitioner,

v.

SLYDE ANALYTICS, LLC,
Patent Owner.

IPR2024-00006
Patent 8,588,033 B2

Before JAMESON LEE, ST. JOHN COURTENAY, III, and
JOHN F. HORVATH, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
and ORDER
Granting-in-part Request to File Settlement Agreement
as Business Confidential Information

¹ GARMIN LTD. filed a petition in IPR2024-00765 and was joined as a petitioner to this proceeding. ZEPP HEALTH CORPORATION filed a petition in IPR2024-00833 and was joined as a petitioner to this proceeding.

I. INTRODUCTION

With Board authorization (Paper 32, 3) Petitioner entity Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (hereinafter “Samsung”) and Patent Owner (collectively, “the Parties”) filed a Joint Motion to Terminate Samsung from the above-captioned *inter partes* review proceeding together with a copy of their Confidential Settlement Agreement. Paper 33 (“Joint Motion”).

The Parties also indicate that they “jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of this proceeding and the files of the Patent-in-Suit.” Paper 34 (“Joint Request”) at 1. The parties request that the settlement agreement “be made available only to Federal Government agencies on written request, or to any person on a showing of good cause” in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.” *Id.* “The parties indicate the “confidential settlement agreement was filed in the PTAB E2E system to provide availability only to the Board.” *Id.* at 2.

II. DISCUSSION

In the Joint Motion, the Parties represent that “[t]he Other Petitioners do not oppose this motion, with the understanding that the *inter partes* review will continue with respect to the Other Petitioners.” Joint Motion 1. The parties indicate that they have filed as an exhibit “a true copy of the settlement agreement that resolves the disputes in the above-captioned *inter partes* review relating to the Patent-in-Suit as between Slyde and Samsung.” *Id.* The parties further indicate that “[t]here are no other collateral

agreements between the parties made in connection with, or in contemplation of, the termination sought.” *Id.*

Although inter partes review has been instituted in this proceeding, we determine that at this stage before the oral hearing, good cause exists to terminate Samsung from this proceeding.

As noted above, the Parties’ request to treat the Settlement Agreement between Samsung and Patent Owner as business confidential information. Joint Request 1. The parties further request that the settlement agreement “be made available only to Federal Government agencies on written request, or to any person on a showing of good cause” in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.” *Id.*

We have reviewed the Settlement Agreement, find it contains confidential business information, and determine good cause exists to treat the Settlement Agreement as business confidential information. Per statute, an agreement treated as business confidential information “shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.” 35 U.S.C. § 317(b).

Accordingly, we grant the Parties’ request to treat the Settlement Agreement as business confidential information and to keep the Settlement Agreement separate from the files of the involved patents. However, we deny the Parties’ requests to keep the Settlement Agreement separate from the files of the involved *inter partes* review proceedings.

III. ORDER

For the reasons explained above, it is:

ORDERED that the Joint Motion to terminate Samsung from IPR2024-00006 is *granted*, and Samsung is hereby terminated from IPR2024-00006;

FURTHER ORDERED that the Parties' joint request to treat the Settlement Agreement filed in IPR2024-00006 as business confidential information is *granted*;

FURTHER ORDERED that the Settlement Agreement shall be kept separate from the files of Patent 8,588,033 B2;

FURTHER ORDERED that the Joint Request to keep the Settlement Agreement separate from the files of this *inter partes* review is *denied*; and

FURTHER ORDERED that this Samsung Settlement Agreement shall, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), be made available to Federal Government agencies upon written request or to any other person upon written request and a showing of good cause.

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