Trials@uspto.gov
Tel: 571-272-7822

Paper 25
Date: April 3, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC. and
AMAZON.COM SERVICES LLC,
Petitioner,

v.

NOKIA TECHNOLOGIES OY,
Patent Owner.

IPR2024-00848
Patent 7,532,808 B2

Before GREGG I. ANDERSON, STEVEN M. AMUNDSON, and JASON M. REPKO, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

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

I. INTRODUCTION

Amazon.com, Inc. and Amazon.com Services LLC (collectively "Petitioner") filed a Petition requesting an *inter partes* review of claims 10, 11, 15, 16, 20–22, 44, 47–49, 51–54, 58–60, and 62–64 in U.S. Patent No. 7,532,808 B2 (Ex. 1001, "the '808 patent") under 35 U.S.C. §§ 311–319. Paper 3. Nokia Technologies Oy ("Patent Owner") filed a Preliminary Response. Paper 10.

On December 11, 2024, the Board instituted an *inter partes* review of claims 10, 11, 15, 16, 20–22, 44, 47–49, 51–54, 58–60, and 62–64 in the '808 patent. Paper 11.

On April 1, 2025, after receiving Board authorization, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceeding under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74. Paper 23 ("Mot."). As Exhibit 2030, the parties filed a copy of an agreement titled "Settlement Agreement." Ex. 2030, 1. As Exhibit 2031, the parties filed a copy of an agreement titled "Patent Agreement." Ex. 2031, 1. For Exhibit 2030 and Exhibit 2031, the parties filed a Joint Request to Treat Settlement Agreement and Patent Agreement as Business Confidential Information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 24.

In the Joint Request, the parties request that Exhibit 2030 and Exhibit 2031 be "maintained separate from the publicly available file of the involved patent." Paper 24, 3. The parties also request that "the Board inform us if anyone seeks production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause." *Id.* at 4.

II. DISCUSSION

In the Joint Motion, the parties represent that they have "reached an agreement" to "resolve their disputes." Mot. 3. The parties also represent that Exhibit 2030 and Exhibit 2031 contain "confidential commercial and financial information" and constitute "all agreements made in connection with, or in contemplation of, the termination of this proceeding." *Id.* at 4–5.

The parties assert that termination is appropriate because they have:

(1) "met the statutory requirement that they file a 'joint request' to terminate before the Office 'has decided the merits of the proceeding'"; and

(2) "reached a settlement as to all the disputes in this proceeding and as to the '808 patent."

Mot. 4 (quoting 35 U.S.C. § 317(a)). The parties also assert that termination would "save significant further expenditure of resources" and "further the purpose of inter partes review proceedings, which seek to provide an efficient and less costly alternative forum for patent disputes." *Id.* at 5.

According to the parties, "maintaining the proceeding would discourage further settlements, as patent owners in similar situations would have a strong disincentive to settle if they perceived that an inter partes review would continue regardless of a settlement." Mot. 5.

Although this proceeding has advanced beyond the preliminary stage, the parties have not completed the briefing authorized by the Scheduling Order, and the Board has not conducted an oral argument. Terminating this proceeding will save the Board administrative and judicial resources, e.g., in conducting an oral argument and issuing a final written decision to decide the patentability issues raised in the Petition. Further, "[t]here are strong public policy reasons to favor settlement between the parties to a

proceeding," and "[t]he Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* Consolidated Trial Practice Guide, 86 (Nov. 2019).[1]

Under these circumstances, we determine that it is appropriate to terminate this proceeding.

Further, after reviewing the agreements filed by the parties, i.e., Exhibit 2030 and Exhibit 2031, we find that they contain confidential business information. We determine that good cause exists to treat them as business confidential information and to keep them separate from the file of the patent in this proceeding under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

We do not grant the request that "the Board inform us if anyone seeks production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause." Paper 24, 4. Neither the statute nor the rule provides such a requirement.

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

III. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceeding (Paper 23) is granted;

[1] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement and Patent Agreement as Business Confidential Information (Paper 24) is granted in part, and Exhibit 2030 and Exhibit 2031 shall be treated as business confidential information and be kept separate from the file of U.S. Patent No. 7,532,808 B2 and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

For PETITIONER:

Jessica C. Kaiser
Robin L. Brewer
Jonathan R. Carter
Steven R. Beigelmacher
Atanas Baitchev
PERKINS COIE LLP
kaiser-ptab@perkinscoie.com
brewer-ptab@perkinscoie.com
carter-ptab@perkinscoie.com
beigelmacher-ptab@perkinscoie.com
baitchev_ptab@perkinscoie.com
Amazon-NokiaIPR@perkinscoie.com

For PATENT OWNER:

Scott W. Hejny
R. Mitch Verboncoeur
Samuel L. Moore
McKOOL SMITH, P.C.
shejny@mckoolsmith.com
mverboncoeur@mckoolsmith.com
smoore@mckoolsmith.com
Nokia_IPRs_Amazon_HP@mckoolsmith.com