

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
MICROSOFT CORPORATION
Petitioners,
v.
EYESMATCH LTD.,
Patent Owner.

IPR2024-00856 (Patent 8,982,109 B2)

MICROSOFT CORPORATION,
Petitioner,
v.
EYESMATCH LTD.,
Patent Owner.

IPR2025-00297 (Patent 8,982,109 B2)

Before THOMAS L. GIANNETTI, NEIL T. POWELL, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

ORDER
Granting Request to File Settlement Agreement
as Business Confidential Information
35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c)

I. INTRODUCTION

These *inter partes* review proceedings involve U.S. Patent No. 8,982,109 B2 (“the ’109 patent”). On June 11, 2025, we entered an Order joining Microsoft, the sole petitioner in IPR2025-00297, as a party in IPR2024-00856. See IPR2025-00297, Paper 14 (Institution Decision). On September 9, 2025, with our authorization, Petitioner Microsoft filed a Joint Motion to Terminate (IPR2025-00297, Paper 15, “Joint Motion”), as well as a copy of a Confidential Settlement Agreement (IPR2025-00297, Ex. 1048).¹

The Joint Motion requests termination of the proceedings as to Microsoft. Joint Motion 2. With the Joint Motion, the parties filed, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), a Joint Request to Treat the Settlement Agreement as Business Confidential Information, specifically identifying Exhibit 1048. IPR2025-00297, Paper 16 (“Joint Request”).

II. DISCUSSION

The parties represent that they “have settled their dispute as to this matter and executed a settlement agreement to terminate this proceeding as to Petitioner Microsoft.” Joint Motion 1. With their motion, the parties submit Exhibit 1048, which they represent is “a true and correct copy” of the settlement agreement between the parties. *Id.* Further, they state that “Petitioner Microsoft and Patent Owner hereby represent that there are no

¹ The Joint Motion, Joint Request, and Settlement Agreement were filed in IPR2025-00297, but not IPR2024-00856. Microsoft’s counsel informs us that they are not authorized to file papers in IPR2024-00856.

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other agreements, oral or written, between them made in connection with, or in contemplation of, the termination of this proceeding.” *Id.*

Finally, the parties jointly request that Exhibit 1048 be treated as confidential business information and kept separate from the subject patent files, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Joint Request 1.

We find that there is good cause to grant the Joint Motion and Joint Request. We have not yet entered a Final Written Decision, and we find that Exhibit 1048 contains business confidential information not pertinent to the merits of the challenged claims.

III. ORDER

It is:

ORDERED that the Joint Motion to Terminate is *granted*, and Microsoft is hereby terminated as a party to IPR2024-00856;

FURTHER ORDERED that IPR2025-00297 is terminated;

FURTHER ORDERED that the Joint Request to treat Exhibit 1048 as business confidential information under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the Settlement Agreement (Ex. 1048) shall remain sealed and kept separate from the file of the ’109 patent, subject to the provisions of 37 C.F.R. § 42.74(c); and

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FURTHER ORDERED that copies of the Joint Motion, the Joint Request, and the Settlement Agreement shall be filed in IPR2024-00856. The Settlement Agreement shall be filed as *Board Only*.²

² In IPR2024-00856, the Settlement Agreement shall be filed as Exhibit 1049. Exhibit 1048 has already been used.

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