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Paper 19
Date: March 10, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and NOKIA OF AMERICA CORPORATION,
Petitioner,

v.

ACTIVE WIRELESS TECHNOLOGIES LLC,
Patent Owner.

IPR2024-00951 (Patent 10,531,443 B2)
IPR2024-00985 (Patent 10,601,566 B2)
IPR2024-00986 (Patent 10,785,764 B2)[1]

Before MONICA S. ULLAGADDI, DAVID COTTA, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
Granting Joint Motions to Terminate Proceeding
Granting Joint Requests to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

[1] This Order is being entered in the three proceedings because it addresses issues common to all of them.

I. DISCUSSION

Petitioner and Patent Owner filed in each proceeding (1) a Joint Motion to Terminate Proceeding (Paper 15 ("Joint Motion" or "Mot.")),[2] under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74 based on a settlement between the parties, (2) a true copy of the parties' written settlement agreements (Exs. 2004 and 2005), and (3) a Joint Request to Treat Agreement as Business Confidential Information (Paper 16 ("Joint Request" or "Req.")). The Joint Motion indicates that the parties have settled all the disputes in this proceeding and that the parties jointly move to terminate each proceeding. Mot. 2. Collectively, the Joint Motions also state that the Exhibits are "true and complete" copies of confidential written settlement agreements between the parties. *Id.* at 1 (citing Exs. 2004 and 2005).

Generally, the Board expects that a proceeding will terminate at the request of the parties after the filing of a settlement agreement. *See* 35 U.S.C. § 317(a) ("An 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."); 37 C.F.R. § 42.72 ("The Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a) . . . ."); *see also* Patent Trial and Appeal Board Consolidated Trial Practice Guide at 86 (Nov. 2019)[3] ("The Board expects

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[2] Here and throughout this order, we refer to the papers and exhibits in IPR2024-00951. The parties filed similar papers and exhibits the other two cases. *See* IPR2024-00985, Paper 14, Paper 15, Ex. 2007, Ex. 2008; IPR2024-00986, Paper 17, Paper 18, Ex. 2004, Ex. 2005.

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

that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." (citing 35 U.S.C. §§ 317(a), 327)). Here, the merits of the proceedings have not yet been decided, and we are persuaded that termination of these proceedings is appropriate for the reasons in the Motions. *See* Mot. 2–3. Thus, we grant the Joint Motions.

Also, we are persuaded that the parties' settlement agreements contain business confidential information that warrants keeping them separate from the patent files. *See* Req. 1–2. Thus, we grant the Joint Requests to treat the corresponding exhibits as business confidential information. *See* 35 U.S.C. § 317(b) ("At the request of a party to the proceeding, the agreement or understanding shall be 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."); *see also* 37 C.F.R. § 42.74(c) (same).

This Decision does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

II. ORDER

It is

ORDERED that the Joint Motions to Terminate the Proceeding (IPR2024-00951, Paper 15; IPR2025-00985, Paper 14; IPR2024-00986, Paper 17) are *granted*;

FURTHER ORDERED that the Joint Requests to Treat the Agreements as Business Confidential Information (IPR2024-00951, Paper 16; IPR2025-00985, Paper 15; IPR2024-00986, Paper 18) are *granted*;

FURTHER ORDERED that the settlement agreements (IPR2024-00951, Exs. 2004, 2005; IPR2024-00985, Exs. 2007, 2008; IPR2024-00986, Ex. 2004, 2005) be treated as business confidential information, kept separate from the file of the above-referenced patent, and 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); and

FURTHER ORDERED that this proceeding is terminated.

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