

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE TECHNOLOGY GROUP CO., LTD.,
Petitioner,

v.

OPTRONIC SCIENCES, LLC,
Patent Owner.

IPR2024-01131
Patent 7,226,801 B2

Before THU A. DANG, BENJAMIN D. M. WOOD, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization (Ex. 3005), Petitioner BOE Technology Group Co., Ltd. and Patent Owner Optronic Sciences, LLC (collectively, "the Parties") filed a Joint Motion to Terminate this proceeding due to settlement. Paper 50 ("Joint Motion"). In support of the Joint Motion, the Parties filed a copy of a Settlement and License Agreement. Ex. 2030 ("Settlement Agreement"). The Parties also filed a Joint Motion to file the Settlement Agreement as Business Confidential Information and to Keep it Separate from the files of the patent in suit, U.S. Pat. No. 7,226,801 B2 ("the '801 patent"). Paper 49.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have "settled their dispute regarding the '801 patent, including both this proceeding and Patent Owner's assertion of the '801 patent in the related district court litigation," and they "do not anticipate further litigation between them concerning the '801 patent." Joint Motion 1. The Parties further represent that the filed copy of the Settlement Agreement, Ex. 2030, is a true copy thereof, and that "[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the dismissal of this proceeding," *Id.* at 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." Section 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

We instituted trial for IPR2024-01131 on February 12, 2025.

Paper 15. We have not yet decided the merits of this proceeding, and a final written decision has not been entered. Notwithstanding that this proceeding has moved well beyond the preliminary stage, the Parties have adequately shown that the termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the above identified proceedings with respect to the Parties.

The Parties also jointly request that the Settlement Agreement be treated as business confidential information and kept separate from the file of the '801 patent. Paper 49, 1. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

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

III. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to terminate (Paper 50) is *granted*, and IPR2024-01131 is *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Parties' joint request to treat the Settlement Agreement as business confidential information is *granted*, and the Settlement Agreement (Ex. 2030) shall be kept separate from the file of U.S. Patent No. 7,226,801 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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