

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS, AMERICA, INC.,
Petitioner,

v.

CERENCE OPERATING COMPANY,
Patent Owner.

IPR2024-01267
Patent 9,026,428 B2

Before BART A. GERSTENBLITH, BRIAN P. MURPHY, and
LISA A. MURRAY, *Administrative Patent Judges*.

MURRAY, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, Petitioner (Samsung Electronics Co., Ltd. and Samsung Electronics, America, Inc.) and Patent Owner (Cerence Operating Company) filed a Joint Motion to Terminate Proceeding in the above-captioned proceeding. Paper 35 (“Mot.”). The parties also filed a Joint Request to Treat Settlement Agreement as Business Confidential Information (Paper 36) as well as a copy of the Settlement Agreement (Ex. 1024).

II. DISCUSSION

Pursuant to 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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

The parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding and that the filed copy of the settlement agreement is true and correct. Mot. 1.

After reviewing the settlement agreement between the parties, we find that it contains confidential business information regarding the terms of the settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and to keep the settlement agreement separate from the file of the patent at issue.

The parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding. 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 Proceeding (Paper 35) is *granted*, and IPR2024-01267 is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement as Confidential (Paper 36) is *granted*, and the settlement agreement (Ex. 1024) shall be kept separate from the file of U.S. Patent No. 9,026,428 B2 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).

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PETITIONER:

Ali Sharifahmadian
Patrick Reidy
Douglas Clark
Albert Boardman
ARNOLD & PORTER KAYE SCHOLER LLP
ali.sharifahmadian@arnoldporter.com
patrick.reidy@arnoldporter.com
douglas.clark@arnoldporter.com
albert.boardman@arnoldporter.com

PATENT OWNER:

Qi Tong
Neil A. Rubin
RUSS AUGUST & KABAT
ptong@raklaw.com
nrubin@raklaw.com