

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BITSGAP HOLDING OU, PAYBIS LTD.,
CRYPTOHOPPER BV, and CRYPTENSE SAS,
Petitioner,

v.

INTERCURRENCY SOFTWARE LLC,
Patent Owner.

IPR2024-01278 (Patent 10,776,863 B1)
IPR2024-01279 (Patent 11,449,930 B1)
IPR2024-01292 (Patent 10,062,107 B1)
IPR2024-01293 (Patent 10,062,107 B1)¹

Before NEIL T. POWELL, FRANCES L. IPPOLITO, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

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On November 20, 2024, with our authorization, Bitsgap Holding Ou, Paybis Ltd., Cryptohopper BV, and Cryptense SAS (“Petitioner”) filed an Unopposed Motion to Withdraw Petition for *Inter Partes* Review in each of the above-identified proceedings. Paper 5 (“Motion”).² In the Motion, Petitioner seeks to dismiss the proceedings and represents that Intercurrency Software LLC (“Patent Owner”) does not oppose the Motion. *Id.* at 1. Along with the Motion, Petitioner filed a copy of a Settlement Agreement (Ex. 1035, “Settlement Agreement”), as well as a Request to treat the Settlement Agreement as business confidential information (Paper 6, “Request”).

In the Motion, Petitioner represents that the Settlement Agreement resolves its disputes with Patent Owner relating to the patents at issue in the above-identified proceedings. Motion 2. Petitioner also represents that “[t]here are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding[s].” *Id.* at 1.

The above-identified proceedings are at an early stage, and we have not yet decided whether to institute a trial. In view of the early stage of the proceedings and the settlement between the parties, we determine that good cause exists to dismiss the petitions and terminate each of the above-identified proceedings with respect to Petitioner and Patent Owner.

Petitioner also requests that the Settlement Agreement be treated as

² For efficiency, we refer to papers and exhibits filed in IPR2024-01278, unless otherwise indicated. Similar papers and exhibits were filed in IPR2024-01279, IPR2024-01292, and IPR2024-01293.

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business confidential information and be kept separate from the files of the patents at issue in the above-identified proceedings. Request 1. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, we determine that 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).

ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Unopposed Motion to Withdraw Petition for *Inter Partes* Review (IPR2024-01278, Paper 5; IPR2024-01279, Paper 5; IPR2024-01292, Paper 5; and IPR2024-01293, Paper 5) is *granted*, and IPR2024-01278, IPR2024-01279, IPR2024-01292, and IPR2024-01293 are *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Request to treat the Settlement Agreement as business confidential information (IPR2024-01278, Paper 6; IPR2024-01279, Paper 6; IPR2024-01292, Paper 6; IPR2024-01293, Paper 6) is *granted*, and the Settlement Agreement (IPR2024-01278, Ex. 1035; IPR2024-01279, Ex. 1036; IPR2024-01292, Ex. 1034; IPR2024-01293, Ex. 1034) shall be kept separate from the files of U.S. Patent Nos. 10,776,863 B1, 11,449,930 B1, and 10,062,107 B1, 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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For PETITIONER:

Joshua Griswold
Lance Wyatt
Noel Chakkalakal
FISH & RICHARDSON P.C.
griswold@fr.com
wyatt@fr.com
chakkalakal@fr.com

For PATENT OWNER:

M. Scott Fuller
sfuller@ghiplaw.com

René A. Vazquez
rvazquez@sinergialaw.com