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Paper 24
Date: June 5, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIKON CORPORATION, PANASONIC ENTERTAINMENT & COMMUNICATIONS CO., LTD., OLYMPUS CORPORATION, OM DIGITAL SOLUTIONS CORPORATION, FUJIFILM CORPORATION, FUJIFILM NORTH AMERICA CORPORATION, FUJIFILM CORPORATION,
Petitioner,

v.

OPTIMUM IMAGING TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-01220 (Patent 10,873,685 B2)
IPR2024-01372 (Patent 8,451,339 B2)
IPR2024-01373 (Patent 7,612,805 B2)
IPR2024-01374 (Patent 10,877,266 B2)

Before MIRIAM L. QUINN, GARTH D. BAER, AND RUSSELL E. CASS, ADMINISTRATIVE PATENT JUDGES, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization after an email from the parties announcing settlement, Patent Owner filed a Joint Motion to Terminate in each of the above-identified proceedings.[1] In support of the Motion and for each proceeding, Patent Owner filed the following:

a) A "collateral" Patent License Agreement (Ex. 2023);
b) An "Olympus" Patent License and Settlement Agreement (Ex. 2019);
c) A Confidential Patent License and Settlement Agreement (Optimum Imaging Technologies/Fujifilm) (Ex. 2020);
d) A "Nikon" Release Agreement (Ex. 2021); and
e) A "Panasonic" Release Agreement (Ex. 2022).

We refer to these agreements collectively as "Settlement Agreement." Patent Owner also filed a Joint Motion to File Agreements as Business Confidential Information and Keep Separate from the Patent Files, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).[2]

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[1] In the 1220 IPR, the Joint Motion is filed as Paper 24. The substantively identical motion was filed in the 1372 IPR, as Paper 20, in the 1373 IPR, as Paper 20, and in the 1374 IPR, as Paper 22. Hereinafter, for ease of reference, we refer to the filing as "Motion," and cite to Paper 24 filed in the 1220 IPR.

[2] In the 1220 IPR, the joint motion to keep separate is filed as Paper 25. The substantively identical motion was filed in the 1372 IPR, as Paper 21, in the 1373 IPR, as Paper 21, and in the 1374 IPR, as Paper 23. Hereinafter, for ease of reference, we refer to the filing as the "Request," and cite to Paper 25 filed in the 1220 IPR.

II. DISCUSSION

In the Motion, the parties represent that they have reached a settlement agreement and jointly request termination of the above-identified *inter partes* review proceedings. Motion, 1. The parties further represent that their Settlement Agreement resolves all the disputes between the parties involving the above-identified patents-at-issue. *Id.* at 1–2

The Board instituted trial in each of the above-identified proceedings. *See, e.g.*, 1220 IPR, Paper 13 (instituting trial on February 24, 2025); 1372 IPR, Paper 17, and 1373 IPR, Paper 17 (instituting trial on April 23, 2025); and 1374 IPR, Paper 19 (instituting trial on April 29, 2025). We have not yet decided the merits of any of these proceedings, and final written decisions have not been entered. *See* Motion at 2–3. Notwithstanding that these proceedings have moved beyond the preliminary stage, the parties have shown adequately that the termination of these proceedings is appropriate. Under these circumstances, we terminate these proceedings with respect to all parties.

The Request additionally asks for the Settlement Agreement to be treated as business confidential information and be kept separate from the file of the patents involved in these *inter partes* proceedings. Paper 25. After reviewing the Settlement Agreement, we find that there is confidential business information contained therein regarding the terms of settlement. We determine that the Settlement Agreement shall be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c) and on the conditions specified in 35 U.S.C. § 317(b).

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

Accordingly, for the reasons discussed above, it is:

ORDERED that for each captioned proceeding, the Motion is *granted*, and the proceeding is *terminated*; and

FURTHER ORDERED that for each captioned proceeding the Request is *granted*, and the Settlement Agreement shall be kept separate from the files of the patent-at-issue 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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