

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC. and AMAZON.COM SERVICES LLC,
Petitioner,

v.

NOKIA TECHNOLOGIES OY,
Patent Owner.

IPR2024-01390
Patent 9,390,137 B2

Before JAMESON LEE, JOHN D. HAMANN, and JASON M. REPKO,
Administrative Patent Judges.

HAMANN, *Administrative Patent Judge.*

DECISION
Settlement Prior to Institution of Trial and
Granting in Part Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

With our authorization, Petitioner (Amazon.com, Inc. and Amazon.com Services LLC) and Patent Owner (Nokia Technologies Oy) filed a Joint Motion to Terminate Proceeding. Paper 8 (“Motion”). The parties also filed a copy of a settlement agreement (Ex. 2030, “Settlement Agreement”), a copy of a patent agreement (Ex. 2031, “Patent Agreement”), and a Joint Request to Treat Settlement Agreement and Patent Agreement as Business Confidential Information. Paper 9 (“Request”).

II. DISCUSSION

The parties represent that they “have reached a settlement as to all the disputes in this proceeding and as to” U.S. Patent No. 9,390,137 B2 (“the ’137 patent”). Motion 4. The parties also represent that the Settlement Agreement, and the Patent Agreement referenced therein, “represent all agreements made in connection with, or in contemplation of, the termination of this proceeding.” *Id.*

This proceeding is at an early stage, and we have not yet decided whether to institute trial. In view of this and the settlement between the parties, we determine that good cause exists to terminate this proceeding.

In addition, the parties request that the Settlement Agreement and Patent Agreement be treated as business confidential information and be kept separate from the files of the ’137 patent. Request 2. After reviewing the agreements, we find that they contain confidential business information regarding the terms of settlement, and that good cause exists to treat the Settlement Agreement and Patent Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

However, we deny the parties' request to be informed "if anyone seeks production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause." Request 4. Neither the statute nor the rule provides such a requirement.

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

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Motion is *granted* and IPR2024-01390 is *terminated*; and

FURTHER ORDERED that the Request is *granted in part*, and the Settlement Agreement (Ex. 2030) and Patent Agreement (Ex. 2031) shall be kept separate from the files of U.S. Patent No. 9,390,137 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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