

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

TELEFONAKTIEBOLAGET LM ERICSSON,
Patent Owner.

IPR2025-00009
Patent 10,972,654 B2

Before GEORGIANNA W. BRADEN, NORMAN H. BEAMER, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

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

BACKGROUND

With the Board's prior authorization via email, the parties filed four documents in this proceeding: (1) a Joint Motion to Terminate Proceeding (Paper 12, "the motion" or "Mot."); (2) a Joint Request that Settlement Agreement and Arbitration Agreement be Treated as Business Confidential Information (Paper 13, "the request" or "Req."); (3) a true copy of the settlement agreement made in connection with the termination of this proceeding (Ex. 1026, the "Settlement Agreement"); and (4) an Arbitration Agreement (Ex. 1027, the "Arbitration Agreement"). Upon consideration of the arguments presented and for the reasons below, we *grant* the motion, *grant* the request, and *terminate* this proceeding.

DISCUSSION

A. Joint Motion to Terminate

Under the applicable regulations, the parties may agree to settle any issue in a proceeding. 37 C.F.R. § 42.74(a). In addition, "[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial." *Id.* § 42.74(b).

In the motion, the parties state that they have "settled all disputes relating to the '654 Patent by entering into the Settlement Agreement." Mot. 2. The parties further represent that the Settlement Agreement (Ex. 1026) is "a true and correct copy" and that "there are no other collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review." *Id.* at 3.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the petition and terminate the proceeding with respect to the Parties.

Because the parties have satisfied the requirements to terminate the proceeding based on settlement, we *grant* the motion and *terminate* this proceeding.

B. Joint Request to Treat Settlement Agreement and Arbitration Agreement as Business Confidential Information

The parties request that the Settlement Agreement (Ex. 1026) and Arbitration Agreement (Ex. 1027) (1) be treated “as business confidential information” and (2) “kept separate from the file of the ’654 Patent.” Req. 2; *see* Mot. 3 (similar). After reviewing the Settlement Agreement (Ex. 1026) and Arbitration Agreement (Ex. 1027) between Petitioner and Patent Owner, we find that the Agreements contain confidential business information regarding the terms of settlement. We thus treat the Settlement Agreement (Ex. 1026) and Arbitration Agreement (Ex. 1027) as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), to be kept separate from the files of the involved patent.

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

ORDER

Accordingly, it is hereby:

ORDERED that the joint motion is *granted*, the petition in IPR2025-00009 is dismissed, and this proceeding is *terminated* with respect to all parties;

FURTHER ORDERED that the joint request to treat the settlement agreement and arbitration agreement as business confidential information is *granted*; and

FURTHER ORDERED that the Settlement Agreement (Ex. 1026) and Arbitration Agreement (Ex. 1027) (1) shall be treated as business confidential information; (2) shall be kept separate from the file of U.S. Patent No. 10,972,654 B2; and (3) shall be made available only to Federal Government agencies on written request to the Board, or to any person on a showing of good cause pursuant to 37 C.F.R. § 42.74(c).

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