

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

MOTOROLA MOBILITY LLC,
Patent Owner.

IPR2025-00174
Patent 11,184,130 B2

Before JOSIAH C. COCKS, CHARLES J. BOUDREAU, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

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

I. INTRODUCTION

On April 10, 2025, the parties filed two variants of a “Joint Motion to Terminate Proceeding” (Papers 8, 9, “Joint Motion”) and a “Joint Request to File Settlement Agreement As Business Confidential Information Pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.74” (Paper 10, “Joint Request”).¹ The parties also filed two exhibits designated as a “Settlement Agreement” (Ex. 1202) and a “Related Agreement” (Ex. 1203). For the reasons below, the Joint Motion that is Paper 9 is granted. The Joint Request (Paper 10) is also granted. The Joint Motion that is Paper 8 is dismissed.

II. DISCUSSION

At the outset, we note that the two Joint Motions (Papers 8, 9) appear to be nearly identical in wording except that they reference different exhibit numbers on pages 3 and 4 of each Motion. Specifically, the Joint Motion that is Paper 9 refers to Exhibits 1202 and 1203, which, as noted above, appear in the record as “Settlement Agreement” and “Related Agreement,” respectively. *See, e.g.*, Paper 9, 3. The Joint Motion that is Paper 8, however, refers to “Exhibits 2007 and 2008” (*e.g.*, Paper 8, 3), yet no exhibits numbered 2007 and 2008 appear in the record. Paper 8 appears to have been filed in error, and is dismissed for that reason.

The Joint Motion that is Paper 9 indicates that the parties “have reached a settlement as to all the disputes in this proceeding and as to the [11,184,130] patent.” Paper 9, 4. That Motion also states that “[a] true copy of the Settlement Agreement and another related agreement are being filed

¹ The parties were authorized to file appropriate papers seeking termination of the proceeding in e-mail correspondence from the Board on April 7, 2025.

concurrently herewith” and that “[t]he parties hereby represent that the documents filed as Exhibits 1202 and 1203 represent all agreements made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 4–5. Lastly, the parties indicate that “termination would save significant further expenditure of resources by the Settling Parties.” *Id.* at 5.

The parties are reminded that the Board is not a party to the settlement and may identify independently any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. Trial Practice Guide, 86.² We also note that this proceeding is in its initial stages and we have not yet determined whether to institute trial. Pursuant to 37 C.F.R. § 42.71(a), “[t]he Board may take up petitions or motions for decision in any order, may grant, deny, or dismiss any petition or motion, and may enter any appropriate order.” 37 C.F.R. § 42.71(a) (2024). In light of the circumstances of this proceeding, we determine that it is appropriate to dismiss the Petition and terminate the proceeding. Accordingly, we grant the parties’ Joint Motion to the extent that we dismiss the Petition pursuant to § 42.71(a), and, as a result, terminate this proceeding.

As a part of their Joint Request, the parties also request that the Settlement Agreement (Ex. 1202) and Related Agreement (Ex. 1203) “(a) be treated as business confidential information; (b) be kept separate from the file of the involved patent; (c) be accessible only by the Board, Petitioner, and Patent Owner; and (d) be made available only as permitted pursuant to

² Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).” Paper 10, 1.
We also grant the Joint Request.

III. ORDER

It is

ORDERED that the parties’ “Joint Motion to Terminate Proceeding”
(Paper 9) is *granted*;

FURTHER ORDERED that the Petition (Paper 1) is *dismissed* and the
proceeding is *terminated*;

FURTHER ORDERED that the parties’ “Joint Request to File
Settlement Agreement As Business Confidential Information Pursuant to 35
U.S.C. § 314 and 37 C.F.R. § 42.74” is *granted*; and

FURTHER ORDERED that Paper 8 is *dismissed*.

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