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Paper 9
Date: August 28, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELEMENT TV COMPANY, LP, and
ELEMENT TELEVISION COMPANY, LLC,
Petitioner,

v.

NOKIA CORPORATION and NOKIA TECHNOLOGIES OY,
Patent Owner.

IPR2025-01109
Patent 7,532,808 B2

Before GREGG I. ANDERSON, STEVEN M. AMUNDSON, and JASON M. REPKO, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

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

I. INTRODUCTION

On June 13, 2025, Element TV Company, LP, and Element Television Company, LLC (collectively "Petitioner") filed a Petition requesting an *inter partes* review of claims 10, 11, 15, 16, 20–22, 44, 47–49, 51–54, 58–60, and 62–64 in U.S. Patent No. 7,532,808 B2 ("the '808 patent") (Exhibit 1001) under 35 U.S.C. §§ 311–319. Paper 3. Nokia Corporation and Nokia Technologies Oy (collectively "Patent Owner") have not yet filed a preliminary response.

On August 25, 2025, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceeding under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74. Paper 7 ("Mot."). As Exhibit 1019, the parties filed a copy of an agreement titled "Settlement and Patent License Agreement." Ex. 1019, 1. For Exhibit 1019, the parties filed a Joint Request to Treat Settlement and Patent License Agreement as Business Confidential Information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8.

In the Joint Request, the parties request that Exhibit 1019 (i) "be treated as business confidential information," (ii) "be maintained separate from the publicly available file of the involved patent," and (iii) "be made available only to Federal Government agencies on written request, or to persons showing good cause on written request." Paper 8, 2. The parties also request that "the Board inform us if anyone seeks production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause." *Id.* at 2–3.

II. DISCUSSION

In the Joint Motion, the parties represent that they have "reached an agreement," i.e., Exhibit 1019, "to resolve their disputes." Mot. 1–2. The

parties also represent that Exhibit 1019 "contains confidential commercial and financial information" and "represents all agreements made in connection with, or in contemplation of, the termination of this proceeding." *Id.* at 2–3.

The parties assert that termination is appropriate because they have:

(1) "met the statutory requirement that they file a 'joint request' to terminate before the Office 'has decided the merits of the proceeding'"; and

(2) "reached a settlement as to all the disputes in this proceeding and as to" the '808 patent.

Mot. 3 (quoting 35 U.S.C. § 317(a)). The parties also assert that termination would "save significant further expenditure of resources" and "further the purpose of *inter partes* review proceedings, which seek to provide an efficient and less costly alternative forum for patent disputes." *Id.* at 3–4.

According to the parties, "maintaining the proceeding would discourage further settlements, as patent owners in similar situations would have a strong disincentive to settle if they perceived that an inter partes review would continue regardless of a settlement." Mot. 4.

This proceeding has not progressed very far. As noted above, Patent Owner has not yet filed a preliminary response. Terminating this proceeding will save the Board administrative and judicial resources, e.g., in analyzing the patentability issues presented by the Petition and issuing a decision on institution. Additionally, "[t]here are strong public policy reasons to favor settlement between the parties to a proceeding," and "[t]he Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." Office

Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* Consolidated Trial Practice Guide, 86 (Nov. 2019).[1]

Under these circumstances, we determine that it is appropriate to terminate this proceeding.

Further, after reviewing the agreement filed by the parties, i.e., Exhibit 1019, we find that it contains confidential business information. We determine that good cause exists to treat Exhibit 1019 as business confidential information and to keep it separate from the file of the patent in this proceeding under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

We do not grant the request that "the Board inform us if anyone seeks production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause." *See* Paper 8, 2–3. Neither the statute nor the rule provides such a requirement.

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

III. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceeding (Paper 7) is granted;

FURTHER ORDERED that this proceeding is terminated as to all parties; and

FURTHER ORDERED that the Joint Request to Treat Settlement and Patent License Agreement as Business Confidential Information (Paper 8) is granted in part, and Exhibit 1019 shall be treated as business confidential

[1] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

information and be kept separate from the file of U.S. Patent No. 7,532,808 B2 and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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