

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AIRWALLEX PTY. LTD.,  
Petitioner,

v.

INTERCURRENCY SOFTWARE LLC,  
Patent Owner.

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IPR2025-01446  
Patent 11,620,701 B1

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Before NEIL T. POWELL, FRANCES L. IPPOLITO, and  
SEAN P. O'HANLON, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

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

## I. INTRODUCTION

On September 16, 2025, with prior Board authorization, Petitioner filed in the above-captioned proceeding an Unopposed Motion to Withdraw Petition and Terminate *Inter Partes* Review. Paper 4 (“Motion”). Petitioner and Patent Owner (collectively referred to as “the Parties”) also jointly filed a copy of a Settlement Agreement (Ex. 1021 (“Settlement Agreement”)), as well as a Joint Motion to Keep Confidential and Separate (Paper 5 (“Joint Motion”)) pursuant to 37 C.F.R. § 42.74.

## II. DISCUSSION

In the Motion, Petitioner requests “withdrawal of the Petition and termination of the proceeding” because “the parties have reached an agreement that resolves all disputes between the parties involving U.S. Patent No. 11,620,701 (the ‘701 Patent’) at issue in the above-captioned inter partes review.” Paper 4, 2 (citing Ex. 1021). Petitioner represents that “Patent Owner does not oppose the relief requested in this motion or termination of the proceeding.” *Id.* at 1. According to Petitioner, “the parties filed a Joint Stipulation of Dismissal with Prejudice in the United States District Court for the Eastern District of Texas on September 12, 2025, in the underlying lawsuit styled *Intercurrency Software LLC v. Airwallex Pty. Ltd.*, Case No. 2:24-cv-1011 (E.D. Tex.).” *Id.* at 2–3 (citing Ex. 1022). Petitioner also represents that it “submits concurrently herewith a true and correct copy of the confidential settlement agreement governing the resolution of this *inter partes* review and the underlying litigation,” and that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 1 (citing Ex. 1021).

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in this proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that it is appropriate to dismiss the proceeding.

The Parties also filed a Joint Motion that the Settlement Agreement be treated as business confidential information and be kept separate from the file of U.S. Patent No. 11,620,701 involved in this proceeding. Paper 5, 2. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information, to keep it separate from the file of the involved patent, and to limit its availability pursuant to 37 C.F.R. § 42.74(c).

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

### III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion (Paper 4) is *granted*;

FURTHER ORDERED that the petition in IPR2025-01446 is *dismissed*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Motion to Keep Confidential and Separate (Paper 5) is *granted*, and the Settlement Agreement (Ex. 1021) shall be kept separate from the file of the involved patent (U.S. Patent No. 11,620,701 B1) and made available only to Federal Government agencies on

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written request, or to any person on a showing of good cause, pursuant to 37  
C.F.R. § 42.74(c).

PETITIONER:

Barry McCraw  
MAYER & BROWN LLP  
cmccraw@mayerbrown.com

PATENT OWNER:

Joe Zheng  
LOGICPATENTS, LLC  
21701 Stevens Creek Boulevard, #284  
Cupertino, CA 95015  
uspatents@sbcglobal.net

Christopher Honea  
Garteiser Honea  
119 W. Ferguson St.  
Tyler, TX 75702