

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) INC., SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC,
Patent Owner.

Cases:

IPR2018-00214 (Patent 8,232,766 B2)
IPR2018-00215 (Patent 8,232,766 B2)
IPR2018-00274 (Patent 7,834,586 B2)
IPR2018-00276 (Patent 7,239,111 B2)¹

Before BRYAN F. MOORE, LYNNE E. PETTIGREW, JO-ANNE M.
KOKOSKI, JON B. TORNQUIST, PAUL J. KORNICZKY, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*.

ORDER

*Granting Joint Motion to Dismiss Samsung from the Proceedings (37 C.F.R.
§ 42.5(a) and 37 C.F.R. 42.71(a)) and Granting Joint Request to Treat
Settlement Agreement as Business Confidential and to Keep Settlement
Agreement Separate from the Files (37 C.F.R. § 42.74 (c))*

¹ This Order addresses identical issues in each of four related cases. We exercise our discretion to issue one Order to be entered in each case.

IPR2018-00214 (Patent 8,232,766 B2)
IPR2018-00215 (Patent 8,232,766 B2)
IPR2018-00274 (Patent 7,834,586 B2)
IPR2018-00276 (Patent 7,239,111 B2)

On July 13, 2018, pursuant to Board authorization, Petitioners Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (collectively “Samsung”) and Patent Owner filed joint motions to dismiss Samsung from these proceedings, and joint requests that the settlement agreement be treated as business confidential information and kept separate from the patent files in IPR2018-00214 (“the ‘214 IPR”) (Papers 11, 12), IPR2018-00215 (“the ‘215 IPR”) (Papers 16, 17), IPR2018-00274 (“the ‘274 IPR”) (Papers 10, 11), and IPR2018-00276 (“the ‘276 IPR”) (Papers 9, 10).

We have not instituted trial in any of the subject *inter partes review* proceedings. Thus, these proceedings are all in their initial stages. The joint motions state that “Samsung and Patent Owner have settled their dispute” and the Settlement Agreement contemplates “dismissing Samsung from this proceeding and” from related District Court litigation. ‘214 IPR Paper 11, 3–4; ‘215 IPR Paper 16, 3–4; ‘274 IPR Paper 10, 3–4; ‘276 IPR Paper 9, 3–4. Based on the foregoing, we determine that it is appropriate to dismiss Samsung as a petitioner in each of these proceedings.

Pursuant to 37 C.F.R. § 42.74 (b), Samsung and Patent Owner filed the Settlement Agreement in each of the subject proceedings. ‘214 IPR Ex. 2015; ‘215 IPR Ex. 2016; ‘274 IPR Ex. 2015; ‘276 IPR Ex. 2015. As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the files of the patent subject to review in each proceeding pursuant to 37 C.F.R. § 42.74 (c).

Accordingly, it is:

IPR2018-00214 (Patent 8,232,766 B2)
IPR2018-00215 (Patent 8,232,766 B2)
IPR2018-00274 (Patent 7,834,586 B2)
IPR2018-00276 (Patent 7,239,111 B2)

ORDERED that the joint motions to terminate Cases IPR2018-00214 (Paper 11), IPR2018-00215 (Paper 16), IPR2018-00274 (Paper 10), and IPR2018-00276 (Paper 9) with respect to Samsung are *granted*;

FURTHER ORDERED that Samsung's Petitions for *Inter Partes* Review in Cases IPR2018-00214, IPR2018-00215, IPR2018-00274, and IPR2018-00276 are *dismissed*;

FURTHER ORDERED that Samsung and Patent Owner's joint requests that the settlement agreement (IPR2018-00214, Ex. 2015; IPR218-00215, Ex. 2016; IPR2018-00274, Ex. 2015; IPR2018-00276, Ex. 2015) be treated as business confidential information to be kept separate from the patent files are *granted*; and

FURTHER ORDERED that Petitioner ZTE (USA) Inc. shall remain a Petitioner in each of IPR2018-00214, IPR2018-00215, IPR2018-00274, and IPR2018-00276.

IPR2018-00214 (Patent 8,232,766 B2)
IPR2018-00215 (Patent 8,232,766 B2)
IPR2018-00274 (Patent 7,834,586 B2)
IPR2018-00276 (Patent 7,239,111 B2)

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