

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA), INC. AND
SAMSUNG ELECTRONICS CO., LTD.,¹
Petitioners,

v.

BELL NORTHERN RESEARCH, LLC,
Patent Owner.

IPR2019-01365
Patent 7,039,435 B2

Before BRYAN F. MOORE, STACY B. MARGOLIES,
and SCOTT E. BAIN, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317, 37 C.F.R. § 42.74

Pursuant to our authorization, on August 25, 2020, in this proceeding,
Petitioner ZTE (USA), Inc. (“ZTE”) and Patent Owner filed a “Motion to

¹ Samsung Electronics Co., Ltd., who filed petitions in IPR2020-00697, has
been joined as a petitioner to this proceeding.

Terminate Petitioner ZTE (USA) Inc.” Paper 29 (“ZTE Mot.”). Along with the motion, ZTE and Patent Owner filed a settlement agreement (Exhibit 1029) and a Request to Keep Separate (Paper 30), in which the parties request the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

ZTE and Patent Owner state that they have settled their dispute regarding the challenged patent, the settlement agreement has been made in writing, and a true and correct copy of the agreement is filed as Exhibit 1029. ZTE Mot. 1–2. ZTE and Patent Owner assert that there are no other agreements, oral or written, between ZTE and Patent Owner made in connection with, or in contemplation of, the termination of ZTE from this proceeding. *Id.* at 2. ZTE and Patent Owner also state that the settlement agreement settles the dispute between ZTE and Patent Owner with respect to the challenged patent. *Id.* at 1. ZTE and Patent Owner further state that Petitioner Samsung Electronics Co., Ltd. Technologies, Inc. (“Samsung”) is not a party to the settlement. *Id.* at 1.

Subsequently, pursuant to our authorization, on October 19, 2020, Petitioner Samsung Electronics Co., Ltd. (“Samsung”) and Patent Owner filed a “Petitioner Samsung Electronics Co., Ltd. and Patent Owner’s Joint Motion to Terminate Pursuant to 35 U.S.C. § 317” Paper 36 (“Samsung Mot.”). Along with the motion, the Samsung and Patent Owner filed a settlement agreement (Exhibit 1033) and a Request to Keep Separate (Paper 37), in which the parties request the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Samsung and Patent Owner state that they have settled their dispute regarding the challenged patent, the settlement agreement has been made in writing, and a true and correct copy of the agreement is filed as Exhibit 1033. Samsung Mot. 2. Samsung and Patent Owner also state that the settlement agreement is a settlement between Samsung and Patent Owner with respect to the challenged patent. *Id.* at 1. Samsung and Patent Owner further state that “[i]n light of this joint request and petitioner ZTE’s pending motion to terminate (Paper 29), termination of this proceeding is proper.” *Id.* at 1.

We instituted trial on February 11, 2020. Paper 13. We have not yet decided the merits in this proceeding. Under the circumstances, we determine it is appropriate to terminate this proceeding. We further determine it is appropriate to treat the settlement agreements as business confidential information, and therefore, grant the Joint Requests to Keep Exhibits 1029 and 1033, respectively, Separate and Confidential. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

Samsung was joined to these proceedings pursuant to its Motion for Joinder in IPR2020-00697. *See* Paper 25. Accordingly, we further determine it is appropriate to terminate IPR2020-00697.

It is

ORDERED that the Motion to Terminate this proceeding with respect to ZTE is GRANTED;

FURTHER ORDERED that the Motion to Terminate this proceedings is GRANTED and the proceeding is hereby terminated;

FURTHER ORDERED that the Joint Requests that the settlement agreements (Exhibits 1069, 1033) be treated as business confidential

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information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are
GRANTED; and

FURTHER ORDERED that IPR2020-00697 is hereby terminated.

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