

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZTE (USA) INC.,  
Petitioner,

v.

BELL NORTHERN RESEARCH, LLC,  
Patent Owner.

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IPR2019-01438  
Patent 8,416,862 B2

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Before BRYAN F. MOORE, MELISSA A. HAAPALA, and  
STACY B. MARGOLIES, *Administrative Patent Judges*.

MARGOLIES, *Administrative Patent Judge*.

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

Pursuant to our authorization, on December 12, 2019, the parties filed a Joint Motion to Terminate the above-captioned proceeding. Paper 9. Along with the motion, the parties filed a settlement agreement (Exhibit 2001) and a Joint Request to Keep Separate (Paper 8), 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).

The parties 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 2001. Paper 9, 1, 3. The parties further state that the district court has dismissed the claims relating to the challenged patent. *Id.* at 2. The parties also assert that there are no public interest or other factors that weigh against termination of this proceeding. *Id.* at 1–2.

This proceeding is in its preliminary stages and we have not yet decided whether to institute an *inter partes* review. Under the circumstances, we determine it is appropriate to terminate this proceeding. We further determine it is appropriate to treat the settlement agreement as business confidential information, and, therefore, grant the request. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

It is

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

FURTHER ORDERED that the Joint Request that the settlement agreement (Exhibit 2001) be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED.

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