

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,
COMMSCOPE HOLDING COMPANY, INC.,
Petitioner,

v.

BARKAN WIRELESS IP HOLDINGS, L.P.,
Patent Owner.

IPR2020-00827 and -00831 (Patent 8,014,284 B2)
IPR2020-00829, -00833, and -00835 (Patent 8,559,312 B2)
IPR2020-00838 (Patent No. 9,392,638 B2)¹

Before THU A. DANG, MEREDITH C. PETRAVICK,
WILLIAM V. SAINDON, NATHAN A. ENGELS, and
JOHN A. HUDALLA, *Administrative Patent Judges*.²

ENGELS, *Administrative Patent Judge*.

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

¹ This Decision addresses issues that are the same in the above-identified proceedings. The parties are not authorized to use this joint heading and filing style in their papers.

² This is not an expanded panel decision. Judges Petravick, Saindon, and Engels are the panel in IPR2020-00827 and -00831. Judges Dang, Saindon, and Hudalla are the panel in IPR2020-00829, -00833, -00835, and -00838.

IPR2020-00827 and -00831 (Patent 8,014,284 B2)
IPR2020-00829, -00833, and -00835 (Patent 8,559,312 B2)
IPR2020-00838 (Patent No. 9,392,638)

On September 14, 2020, pursuant to 37 C.F.R. § 42.74, Petitioner and Patent Owner submitted joint motions to dismiss each of the above-identified proceedings (collectively “Joint Motions”) (Paper 12³) and joint requests to treat a Settlement and License Agreement as business confidential information and to keep the Agreement separate from the files of the involved patents (collectively “Joint Requests”) (Paper 13⁴), along with copies of the Agreement (Ex. 1200⁵).

In the Joint Motions, the parties represent that they have reached an agreement to jointly seek termination of the above-identified proceedings, and that the filed copies of the Settlement and License Agreement are true and complete copies. Paper 12, 2. The parties further represent that their Settlement and License Agreement resolves all disputes and currently pending Patent Office proceedings between the parties involving the above-identified patents at issue. Paper 12, 2; Paper 13, 2.

The above-identified proceedings are at an early stage, as we have not yet decided whether to institute a trial in any of these proceedings. In view

³ For purposes of expediency, we cite to Papers filed in IPR2020-00827. The parties submitted similar Joint Motions in IPR2020-00829 (Paper 12), IPR2020-00831 (Paper 12), IPR2020-00833 (Paper 12), IPR2020-00835 (Paper 12), and IPR2020-00838 (Paper 8).

⁴ The parties submitted similar Joint Requests regarding the Settlement and License Agreement in IPR2020-00829 (Paper 13), IPR2020-00831 (Paper 13), IPR2020-00833 (Paper 13), IPR2020-00835 (Paper 13), and IPR2020-00838 (Paper 9).

⁵ For purposes of expediency, we cite to Exhibits filed in IPR2020-00827. The parties also submitted a copy of the Settlement and License Agreement in IPR2020-00829 (Ex. 1200), IPR2020-00831 (Ex. 1200), IPR2020-00833 (Ex. 1200), IPR2020-00835 (Ex. 1200), and IPR2020-00838 (Ex. 1200).

IPR2020-00827 and -00831 (Patent 8,014,284 B2)
IPR2020-00829, -00833, and -00835 (Patent 8,559,312 B2)
IPR2020-00838 (Patent No. 9,392,638)

of the early stage of the above-identified proceedings and the settlement between the parties, we determine that good cause exists to terminate these proceedings with respect to the parties.

Additionally, upon review of the Joint Requests, we determine that good cause exists to treat the Settlement and License Agreement between Petitioner and Patent Owner as business confidential information and to keep the Agreement separate from the files of the respective patents involved in the above-identified proceedings pursuant to 37 C.F.R. § 42.74(c).

Therefore, the Joint Motions and the Joint Requests are *granted*.

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

Accordingly, it is:

ORDERED that the Joint Motions (IPR2020-00827, Paper 12; IPR2020-00829, Paper 12; IPR2020-00831, Paper 12; IPR2020-00833, Paper 12; IPR2020-00835, Paper 12; IPR2020-00838, Paper 8) to dismiss the above-identified proceedings are *granted*, and that IPR2020-00827, IPR2020-00829, IPR2020-00831, IPR2020-00833, IPR2020-00835, and IPR2020-00838 are *terminated* with respect to both Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Requests (IPR2020-00827, Paper 13; IPR2020-00829, Paper 13; IPR2020-00831, Paper 13; IPR2020-00833, Paper 13; IPR2020-00835, Paper 13; IPR2020-00838, Paper 9) that the Settlement and License Agreement (IPR2020-00827, Ex. 1200; IPR2020-00829, Ex. 1200; IPR2020-00831, Ex. 1200; IPR2020-00833,

IPR2020-00827 and -00831 (Patent 8,014,284 B2)
IPR2020-00829, -00833, and -00835 (Patent 8,559,312 B2)
IPR2020-00838 (Patent No. 9,392,638)

Ex. 1200; IPR2020-00835, Ex. 1200; and IPR2020-00838, Ex. 1200) be treated as business confidential information and be kept separate from the files of the above-identified proceedings and from the files of the involved patents (U.S. Patent 8,014,284, U.S. Patent 8,559,312, and U.S. Patent 9,392,638) under the provisions of 37 C.F.R. § 42.74(c), are *granted*.

IPR2020-00827 and -00831 (Patent 8,014,284 B2)
IPR2020-00829, -00833, and -00835 (Patent 8,559,312 B2)
IPR2020-00838 (Patent No. 9,392,638)

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