

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C., AT&T SERVICES, INC.,
and DIRECTV, LLC,¹
Petitioner,

v.

BROADBAND iTV, INC.,
Patent Owner.

IPR2020-01267 (Patent 10,028,026 B2)
IPR2020-01280 (Patent 9,998,791 B2)
IPR2020-01359 (Patent 9,648,388 B2)

Before JEFFREY S. SMITH, JUSTIN T. ARBES, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

ORDER

Settlement as to DISH Network L.L.C.
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ AT&T Services, Inc. and DIRECTV, LLC filed a motion for joinder and a petition in Cases IPR2021-00556, IPR2021-00603, and IPR2021-00649, which were granted, and, therefore, have been joined as petitioners in these proceedings.

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On December 2, 2021, Petitioner DISH Network L.L.C. (“DISH”) and Patent Owner Broadband iTV, Inc. filed, in each of the instant proceedings, a Joint Motion to Terminate on the basis of a settlement reached by DISH and Patent Owner. *See* Paper 68 (“Mot.”);² 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. The parties also filed a copy of their written settlement agreement (Exhibit 2200) as “Filing Party and Board Only” in the Board’s electronic filing system and filed a Joint Request (Paper 69) that the agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

DISH and Patent Owner represent that they will file a motion to dismiss the related district court case between them involving the challenged patents “in accordance with the terms of the Settlement Agreement.”

Mot. 2. DISH and Patent Owner further represent that “their entire agreement in connection with the termination of this proceeding is embodied in the Settlement Agreement, which has been made in writing,” and “[t]here are no other agreements, oral or written, between DISH and [Patent Owner] made in connection with, or in contemplation of, the termination of [the instant proceedings] with respect to the parties.” *Id.* at 3–4. Under these circumstances, we determine that it is appropriate to terminate the instant proceedings with respect to DISH. *See* 37 C.F.R. §§ 42.72, 42.74; Mot. 1 (“This Motion to Terminate is with respect only to Petitioner DISH Network

² The parties filed similar documents in each of the instant proceedings. *See* IPR2020-01267, Papers 68, 69, Ex. 2200; IPR2020-01280, Papers 59, 60, Ex. 2200; IPR2020-01359, Papers 55, 56, Ex. 2200. We refer to those filed in Case IPR2020-01267 for convenience.

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L.L.C., and no other Petitioner Party.”). The proceedings shall continue with respect to AT&T Services, Inc. and DIRECTV, LLC (collectively, “Petitioner”), who previously were joined as parties, under the terms set forth in Petitioner’s motion for joinder and our decision granting the motion for joinder in each proceeding.³ See IPR2020-01267, Paper 46; IPR2020-01280, Paper 49; IPR2020-01359, Paper 45.

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ requests that the settlement agreement (Exhibit 2200) between DISH and Patent Owner be treated as business confidential information, kept separate from the files of U.S. Patent Nos. 10,028,026 B2, 9,998,791 B2, and 9,648,388 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*;

FURTHER ORDERED that the Joint Motion to Terminate as to DISH in each of the instant proceedings is *granted*; and

FURTHER ORDERED that, for all future filings, the case caption in the instant proceedings shall be changed to remove DISH Network L.L.C.

³ The remaining parties are reminded that, pursuant to 35 U.S.C. § 317(a), an *inter partes* review shall be terminated upon a joint request of the petitioner and patent owner “unless the Office has decided the merits of the proceeding before the request for termination is filed.”

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