

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SONY CORPORATION, and
SONY MOBILE COMMUNICATIONS INC.,
Petitioner,

v.

NEODRON LTD.,
Patent Owner.

IPR2020-01682
IPR2020-01683
Patent 8,749,251 B2¹

Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution and
Granting Joint Requests to Treat Settlement Agreements as
Business Confidential Information
37 C.F.R. § 42.74

¹ This Order applies to both proceedings. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Sony Corporation, and Sony Mobile Communications Inc. (“Petitioner”) and Noedron Ltd. (“Patent Owner”), (collectively “the Parties”) request that the above-identified *inter partes* review proceedings be terminated pursuant to a settlement. With our authorization, the Parties filed a Joint Motion to Terminate in each of the above-identified proceedings (“Joint Motion”). Paper 10.²

The Parties also filed copies of Patent License Agreements, Settlement Agreements, Escrow Agreements, and an Exhibit A to the Escrow Agreements (Ex. 2001; Ex. 2002; Ex. 2003; Ex. 2004; Paper 12,³ collectively “Settlement Agreements”) and filed a Joint Request to Keep Separate (Paper 11, “Joint Request”) in each of the above-identified proceedings.

II. DISCUSSION

In the Joint Motions, the Parties represent that they have reached an agreement to jointly seek termination of these *inter partes* review proceedings, that the filed copies of the Settlement Agreements are true

² For expediency, we cite to the Papers and Exhibits filed in IPR2020-01682, unless otherwise indicated. Similar Papers and Exhibits were filed in IPR2020-01683.

³ Exhibit A to the Escrow Agreement was filed as a paper instead of as an exhibit. We determine this to be a harmless error. The parties are reminded that evidences such as the Settlement Agreement must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

copies, and there are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination of these proceedings. Joint Motion 1–3. Further, the Settlement Agreements indicate they are complete agreements. Ex. 2001, 12; Ex. 2002, 7; Ex. 2003, 12; Ex. 2004, 13. The Parties also represent that their disputes have been resolved. Joint Motion 1–3.

We have not yet instituted a trial on the above-identified proceedings. Nor have we decided the merits of the proceedings, and final written decisions have not been entered in the proceedings. The Parties have shown adequately that termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

The Parties also requested that the Settlement Agreements be treated as business confidential information and be kept separate from the file of U.S. Patent No. 8,749,251 (“the ’251 patent”). Joint Request 1–2. After reviewing the Settlement Agreements, we find that the Settlement Agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreements between the Parties as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions to Terminate are *granted*, and each of IPR2020-01682 and IPR2020-01683 is *terminated* with respect to

IPR2020-01682, IPR2020-01683
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Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Requests are *granted*, and the Settlement Agreements shall be kept separate from the file of the '251 patent and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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