

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOBILEIRON, INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

IPR2021-00162
Patent 8,442,489 B2

Before MIRIAM L. QUINN, STACY B. MARGOLIES, and
AARON W. MOORE, *Administrative Patent Judges*.

MARGOLIES, *Administrative Patent Judge*.

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

I. INTRODUCTION

On March 9, 2021, following Board authorization via e-mail on March 3, 2021, the parties filed a Joint Motion to terminate this proceeding. Paper 11 (“Mot.”). Along with the Joint Motion, the parties filed, as Exhibit 1055, a copy of a “Confidential Settlement Agreement” that they describe as “a true copy of settlement agreement entered between the Parties.” Mot. 2.¹ According to the parties, the “settlement agreement is the only agreement or understanding between Petitioner and Patent Owner made in connection with, or in contemplation of terminating this proceeding.” *Id.* at 3. The parties also filed a Joint Request to treat the agreement as business confidential information, and to maintain the agreement separate from the public file under 37 C.F.R. § 42.74(c). Paper 12.

II. DISCUSSION

On November 5, 2020, Petitioner filed a Petition requesting an *inter partes* review of claims 1–23 of U.S. Patent No. 8,442,489. Paper 2. The proceeding is still in its preliminary stages, and we have not entered a decision on whether to institute an *inter partes* review. In the Joint Motion, the Parties represent that the “settlement agreement was entered into in contemplation of terminating this proceeding.” Mot. 3; *see also* Ex. 1055, § 3.3. The parties also state that they have settled all disputes relating to the challenged patent. Mot. 3.

¹ The Settlement Agreement is between Blackberry Limited (Patent Owner) and Ivanti, Inc. As noted in Petitioner’s updated Mandatory Notices, filed on January 5, 2021, “Ivanti, Inc. publicly announced that it has acquired Petitioner.” Paper 7, 1.

In view of the early stage of this proceeding and the settlement between the parties, we determine that good cause exists to terminate the proceeding. We also have reviewed the settlement agreement, and we determine that it contains business confidential information regarding the terms of the settlement, and that good cause exists to treat it as business confidential information under 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

In consideration of the foregoing, it is hereby

ORDERED that the parties' Joint Request (Paper 12) to treat the settlement agreement (Exhibit 1055) as business confidential information under 37 C.F.R. § 42.74(c) is *granted*, and that Exhibit 1055 shall be kept separate from the files of U.S. Patent 8,442,489, 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); and

FURTHER ORDERED that the parties' Joint Motion to Terminate (Paper 11) is *granted*, and that the proceeding is *terminated*.

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