

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD.,
SAMSUNG ELECTRONICS CO., LTD., AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SOLAS OLED LTD.,
Patent Owner.

IPR2021-00591
Patent 7,868,880 B2

Before SALLY C. MEDLEY, JO-ANNE M. KOKOSKI, and
JULIA HEANEY, *Administrative Patent Judges*.

HEANEY, *Administrative Patent Judge*.

TERMINATION

Granting Joint Motion to Terminate Samsung Display Co., Ltd. as Petitioner
Due to Settlement After Institution of Trial
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

With Board authorization, Samsung Display Co., Ltd. (“Samsung Display”) and Solas OLED Ltd. (“Patent Owner”) filed a Joint Motion to Terminate Samsung Display Co., Ltd. as a Petitioner in the above-identified proceeding (“Joint Motion”). Paper 16. Samsung Display and Patent Owner also filed a Patent License Agreement and Release Agreement (Exhibit 1012, “Settlement Agreement”) and Joint Request to Keep Separate (Paper 18, “Joint Request”).

II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, Samsung Display and Patent Owner represent that they have reached an agreement to jointly seek termination of Samsung Display as Petitioner in the above-identified proceeding, the filed copy of the Settlement Agreement is a true copy, and “[t]here are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination sought.” Joint Motion 1. Further, the Settlement Agreement appears to be a complete agreement. *See generally* Settlement Agreement.

We instituted trial in this proceeding on October 6, 2021. Paper 8. We have not yet decided the merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the proceeding has

moved beyond the preliminary stage, Samsung Display and Patent Owner have shown adequately that termination of the proceeding is appropriate for Samsung Display. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to Samsung Display. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. will remain as Petitioners in the above-identified proceeding.

Samsung Display and Patent Owner also requested that the Settlement Agreement be treated as business confidential information and be kept separate from the file of Patent 7,868,880. Joint Request 1–2. After reviewing the Agreements between Samsung Display and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement 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 Motion is *granted*, and IPR2021-00591 is *terminated* with respect to Samsung Display, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72;

FURTHER ORDERED that Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. will remain as Petitioners in the above-identified proceeding, which will continue; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent

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7,868,880, 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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