

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

TRAXCELL TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2022-00073  
Patent 10,820,147 B2

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Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and  
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

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

## I. INTRODUCTION

On March 24, 2022, with authorization of the Board, the Parties filed a Joint Motion to Terminate the above-identified proceeding due to settlement. Paper 9 (“Joint Motion”). The Parties also filed a copy of a Confidential Settlement and License Agreement (“Settlement Agreement”) governing their settlement. Ex. 1021. The Parties filed a joint request that the Settlement Agreement be treated as business confidential information and kept separate from the publicly available file of the above-captioned proceeding. Paper 10 (“Joint Request”).

## II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek dismissal of the petition and termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is “a true and accurate copy of the agreement between the parties that resolves the present proceeding.” Paper 9, 2. The Parties further represent that their Settlement Agreement resolves their dispute concerning the above-identified patent at issue. *Id.*

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that it is appropriate to dismiss the petition and terminate the proceeding.

Further, after reviewing the Parties’ Settlement Agreement, 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 between the Parties as business confidential information and to keep the Settlement Agreement separate from the file of

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the patent in the above-captioned proceeding pursuant to 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, it is:

ORDERED that the Joint Motion to terminate the above-identified proceeding is *granted*, the petition is dismissed, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted* and the Settlement Agreement shall be kept separate from the file of Patent 10,820,147 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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