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Paper 21
Date: October 12, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRILLER, INC.,
Petitioner,

v.

TIKTOK PTE. LTD.,
Patent Owner.

IPR2022-00179 (Patent 9,648,132 B2)
IPR2022-00180 (Patent 9,992,322 B2)[1]

Before JOHN D. HAMANN, MICHAEL T. CYGAN, and JULIET MITCHELL DIRBA, *Administrative Patent Judges.*

HAMANN, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] The parties are not permitted to use this style unless authorized by the Board.

I. INTRODUCTION

With our prior authorization, Triller, Inc. ("Petitioner") and TikTok Pte. Ltd. ("Patent Owner") (collectively, "the Parties") filed in each of the above listed proceedings a Joint Motion to Terminate. Paper 20 ("Motion").[2] The Parties also filed in each proceeding a copy of a settlement agreement (Ex. 2007) and a Joint Request to File Settlement Agreement as Confidential Information. Paper 19 ("Request").

II. DISCUSSION

The Motions state that "[t]he [P]arties have executed a settlement agreement that resolves all of their disputes concerning the" challenged patents, expressly including the above listed *inter partes* reviews. Motion 1. Each Motion further states that the Parties "represent that the document filed as Exhibit 2007 represents all agreements made in connection with, or in contemplation of, the termination of this proceeding," and that Exhibit 2007 is "a true and correct copy of th[e] settlement agreement." *Id.* at 2. Each Motion further states that "both Petitioner and Patent Owner agree that this *inter partes* review should be terminated." *Id.* at 1.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. PTAB Consolidated Trial Practice Guide 86 (November 2019).[3] Here, although the Board has instituted *inter partes* reviews of the challenged patents, the Board has not decided the merits of these proceedings. Under these circumstances, we grant the Motions to Terminate the proceedings.

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[2] The papers and the exhibit cited herein are substantively identical and have the same paper and exhibit numbers for both cases.
[3] *Available at* https://www.uspto.gov/TrialPracticeGuideConsolidated.

The Parties also "jointly request that Exhibit 2007 is treated as confidential business information, kept separate from the files of the involved patent[s], and made available only to Federal Government agencies on written request, or to any person on a showing of good cause." Request 1–2. After reviewing the settlement agreement between the Parties, we find that the settlement agreement contains confidential business information regarding the terms of settlement. Thus, we determine that good cause exists to treat the settlement agreement (Exhibit 2007) between the Parties as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), to keep it separate from the files of the involved patents, and to limit its availability as requested by the Parties.

III. ORDER

In view of the foregoing, it is:

ORDERED the Joint Motion to Terminate in each of the proceedings is *granted*, and IPR2022-00179 and IPR2022-00180 are *terminated*, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72;

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Confidential Information in each of the proceedings is *granted*; and

FURTHER ORDERED that the settlement agreement (Exhibit 2007) shall be kept separate from (i) the file of U.S. Patent No. 9,648,132 B2 and (ii) the file of U.S. Patent No. 9,992,322 B2, and will be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

IPR2022-00179 (Patent 9,648,132 B2)
IPR2022-00180 (Patent 9,992,322 B2)

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