

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and GOOGLE LLC,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-00478 (Patent 10,367,370 B2)
IPR2022-00643 (Patent 10,193,392 B2)
IPR2022-00683 (Patent 7,825,537 B2)¹

Before JAMESON LEE, KARL D. EASTHOM, BRIAN J. McNAMARA,
KRISTINA M. KALAN, and MICHELLE N. WORMMEESTER,
*Administrative Patent Judges.*²

KALAN, *Administrative Patent Judge.*

ORDER

Settlement as to Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.
37 C.F.R. §§ 42.5(a), 42.71(a), 42.74

¹ This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties, however, are not authorized to use this style heading in any subsequent papers.

² This is not an expanded panel. Judges McNamara, Kalan, and Wormmeester are the panel in IPR2022-00478 and IPR2022-00643. Judges Lee, Easthom, and Kalan are the panel in IPR2022-00683.

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I. INTRODUCTION

Petitioner Samsung Electronics Co., Ltd, and Samsung Electronics America, Inc. (collectively “Samsung”) and Patent Owner Scramoge Technology Ltd. (“Patent Owner”) have requested that the above-identified *inter partes* review proceedings be terminated as to Petitioner Samsung pursuant to a settlement. On August 9, 2022, we authorized Samsung and Patent Owner via email to file a joint motion to terminate the above-identified proceedings. Subsequently, Samsung and Patent Owner filed a Joint Motion to Terminate Samsung as a Petitioner in each of the above-identified proceedings (“Joint Motion”). Paper 9.³ In each of the above-identified proceedings, Samsung and Patent Owner also filed a copy of their Patent License Agreement (Ex. 1033⁴) and their Escrow Agreement (Ex. 1034) (collectively “Settlement Agreement”), as well as a Joint Request to Keep Separate (“Joint Request”) that requests the Board to treat the Settlement Agreement as business confidential information and to keep it separate from the publicly available files in the above-identified proceedings. Paper 10.⁵

II. DISCUSSION

In the Joint Motion, Samsung and Patent Owner represent that they have reached an agreement to jointly seek termination of Samsung as

³ For purposes of expediency, we cite to Papers filed in IPR2022-00478. A similar Joint Motion was filed in IPR2022-00643 (Paper 9) and IPR2022-00683 (Paper 8).

⁴ Samsung and Patent Owner filed the Settlement Agreement in IPR2022-00643 (Exs. 1010, 1011) and IPR2022-00683 (Exs. 1018, 1019) as well.

⁵ For purposes of expediency, we cited to Papers filed in IPR2022-00478. A similar Joint Request was filed in IPR2022-00643 (Paper 10) and IPR2022-00683 (Paper 9).

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Petitioner in the above-identified proceedings, that a copy of the Settlement Agreement has been filed as an exhibit, and that there are no other collateral agreements or understandings. Joint Motion 1. Further, the Settlement Agreement indicates it is a complete agreement. Ex. 1033, 13. Samsung and Patent Owner also represent that their Settlement Agreement resolves all their disputes relating to the above-identified patents. Joint Motion 1–3.

We have not yet instituted a trial in the above-identified proceedings. Nor have we decided the merits of the above-identified proceedings, and a final written decision has not been entered in any of the above-identified proceedings. Samsung and Patent Owner have shown adequately that dismissal of Samsung as a Petitioner in the above-identified proceedings is appropriate. Under these circumstances we determine that good cause exists to dismiss the petitions as they relate to Samsung only and terminate each of the above-identified proceedings as to Samsung only. Google LLC will remain as Petitioner in each of the above-identified proceedings.

In the Joint Request, Samsung and Patent Owner requested that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the above-identified patents. Joint Request 1. After reviewing the Settlement Agreement between Samsung 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 between Samsung and Patent Owner 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).

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III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion with respect to Samsung in each of the above-identified proceedings is *granted*;

FURTHER ORDERED that the Petition in each proceeding is dismissed as to Samsung only, and each proceeding is *terminated* with respect to Samsung only;

FURTHER ORDERED that Google LLC will remain as Petitioner in each of these proceedings, and each of the above-identified proceedings will continue;

FURTHER ORDERED that the Joint Request to Keep Separate in each of the above-identified proceedings is *granted*, and the Settlement Agreement shall be kept separate from the files of the above-identified patents, 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 caption for each of the above-identified proceedings is modified as set forth on the attached Exhibit. The remaining parties are directed to use this caption in all further filings.

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