

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS, LTD.,
Petitioner,

v.

AIRE TECHNOLOGY LIMITED
Patent Owner.

IPR2022-00874 (Patent 8,174,360 B2)
IPR2022-00875 (Patent 8,205,249 B2)
IPR2022-00876 (Patent 8,581,706 B2)
IPR2022-00877 (Patent 8,816,827 B2)¹

Before JEFFREY S. SMITH, BRIAN J. McNAMARA, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
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.

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I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Dismiss in each of the above-identified proceedings due to settlement. Paper 6² (“Joint Motion”). Along with the Joint Motion, the Parties filed, in each of the above identified proceedings, a copy of their Patent License Agreement (Ex. 1102) and their Escrow Agreement (Ex. 2001)³ (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 7.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of 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 2. Further, the Settlement Agreement indicates it is a complete agreement. Ex. 1011, 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.

² For purposes of expediency, we cite to Papers filed in IPR2022-00874. Similar papers were filed in the other above-identified proceedings.

³ For purposes of expediency, we cite to Exhibits filed in IPR2022-00874. The Parties filed the Settlement Agreement in the other above-identified proceedings as well

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The above-identified proceedings are at an early stage, and we have not yet decided whether to institute a trial in any of the above-identified proceedings. In view of the early stage of the above-identified proceedings, and the settlement between the Parties, we determine that good cause exists to dismiss the petitions and terminate the above-identified proceedings with respect to the Parties. In the Joint Request, the Parties 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, 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 in each of the above-identified proceedings is granted;

FURTHER ORDERED that the Petition in each proceeding is dismissed, and each of the above-identified proceedings is terminated; and

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).

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PETITIONER

W. Karl Renner
Jeremy J. Monaldo
Jennifer Huang
Kiersten Batzli
FISH & RICHARDSON P.C.
axf-ptab@fr.com
jjm@fr.com
jjh@fr.com
batzli@fr.com

PATENT OWNER

Brett Cooper
Reza Mirzaie
RUSS, AUGUST & KABAT
bcooper@raklaw.com
rmirzaie@raklaw.com