

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MICROSOFT CORP., DELL TECHNOLOGIES INC., and DELL INC.,  
Petitioner,

v.

OZMO LICENSING LLC,  
Patent Owner.

---

IPR2023-01060  
Patent 8,599,814 B1

---

Before MIRIAM L. QUINN, *Acting Vice Chief Administrative Patent Judge*,  
LARRY J. HUME and STEPHEN E. BELISLE, *Administrative Patent  
Judges*.

QUINN, *Administrative Patent Judge*.

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

## I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Joint Motion to Terminate Proceeding in the above-identified proceeding due to settlement. Paper 12 ("Joint Motion"). In support of the Joint Motion, the Parties filed a Confidential Patent License Agreement (Ex. 2001) and a Release and License Agreement (Ex. 2002) (collectively, "Settlement Agreement"), as well as a Joint Request to Treat as Confidential and Keep Separate pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 13 ("Joint Request")).

## II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true and complete copy. Paper 12, 1. The Parties further represent that their Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above-identified patent at issue. *Id.*

We instituted a trial on the above-identified proceeding on January 16, 2024. Paper 9. 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, the Parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent involved in this *inter partes* proceeding. Paper 13. After

IPR2023-01060  
Patent 8,599,814 B1

reviewing the Settlement Agreement between Petitioner 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 Petitioner and Patent Owner as business confidential information 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).

Accordingly, for the reasons discussed above, it is:

### III. ORDER

ORDERED that the Joint Motion to Terminate is *granted*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request to Keep Confidential and Separate is *granted*, and the Settlement Agreement shall be kept separate from the files of Patent 8,599,814 B1 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).

IPR2023-01060  
Patent 8,599,814 B1

For PETITIONER:

Brian K. Ericson (Lead Counsel)  
Christ Katsantonis  
DLA PIPER LLP  
brian.erickson@dlapiper.com  
chris.katsantonis@us.dlapiper.com

For PATENT OWNER:

Lawrence P. Cogswell (Lead Counsel)  
Timothy J. Meagher  
Keith J. Wood  
Daniel Fleisher  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
lawrence.cogswell@hbsr.com  
timothy.meagher@hbsr.com  
keith.wood@hbsr.com  
daniel.fleisher@hbsr.com