

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY INTERACTIVE ENTERTAINMENT LLC,  
Petitioner,

v.

MOTIVA PATENTS, LLC,  
Patent Owner.

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Case IPR2019-01134  
Patent 8,159,354 B2

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Before LYNNE E. PETTIGREW, MONICA S. ULLAGADDI, and  
IFTIKHAR AHMED, *Administrative Patent Judges*.

AHMED, *Administrative Patent Judge*.

DECISION

Settlement Prior to Institution of Trial  
Granting Joint Request to Treat Settlement Agreement as  
Business Confidential Information  
*37 C.F.R. § 42.74*

## I. INTRODUCTION

Petitioner, Sony Interactive Entertainment LLC, and Patent Owner, Motiva Patents, LLC, (collectively “the Parties”) have jointly requested that the above-identified *inter partes* review proceeding be terminated, pursuant to a settlement. On July 31, 2019, we authorized the Parties to file a joint motion to terminate the proceeding. On August 14, 2019, the Parties filed a Joint Motion to Terminate the Petition in the above-identified proceeding. Paper 5 (“Joint Motion”). Along with the Joint Motion, the Parties filed a copy of a License and Settlement Agreement (Ex. 1027 (“Settlement Agreement”)), as well as a joint request to treat the Settlement Agreement as business confidential information (Paper 6 (“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. Joint Motion 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.* at 3–4. This proceeding is at an early stage, and we have not yet decided whether to institute a trial. In the particular circumstances present here, we determine that it is appropriate to terminate the proceeding with respect to both Petitioner and Patent Owner. *See* 37 C.F.R. § 42.71(a).

In the Joint Request, the Parties ask that the Settlement Agreement be treated as business confidential information and be kept separate from the file of U.S. Patent No. 8,159,354 B2. Joint Request 1. After reviewing the

Settlement Agreement between Petitioner and Patent Owner, we determine that it is appropriate to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information, and to keep that document separate from the files of U.S. Patent No. 8,159,354 B2, pursuant to 37 C.F.R. § 42.74(c).

### III. ORDER

Accordingly, it is:

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

FURTHER ORDERED that the joint request to treat the Settlement Agreement as business confidential information is *granted*, and the Settlement Agreement (Ex. 1027) shall be kept separate from the files of U.S. Patent No. 8,159,354 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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