

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI TECHNOLOGIES CO., LTD.,
Petitioner,

v.

WSOU INVESTMENTS, LLC d/b/a BRAZOS LICENSING AND
DEVELOPMENT,
Patent Owner

IPR2021-00689; -00690; -00691; -00692; -01012
Patents: 7,933,211 B2; 7,423,962 B2; 7,460,658 B2;
7,406,074 B2; 6,704,304 B1¹

THU A. DANG, BRIAN J. McNAMARA, ROBERT J. WEINSCHENK,
JOHN A. HUDALLA, JOHN D. HAMANN

DECISION
Settlement Prior to Institution of Trial
Granting Requests to Keep Settlement Agreement Confidential
37 C.F.R. § 42.74

¹ This order is to be filed in each case. The parties are not authorized to use this style heading in any subsequent papers.

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On September 21, 2021, Huawei Technologies Co., Ltd. (“Petitioner”) and WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Patent Owner”) (collectively “the parties”) filed a Joint Notice of Settlement and Motion to Stay All Deadlines in the underlying litigations related to the above-captioned proceedings (“the proceedings”) listed in Table 1 below. On October 12, 2021, during a status conference call concerning the proceedings, the parties reported that they had circulated for execution a settlement agreement and, pursuant to that settlement, they would seek to terminate the proceedings. A decision on institution has not been rendered in any of the proceedings.

TABLE 1

<i>Civil Action No. (All cases pending in the W.D. Tex.)</i>	<i>Patent Number</i>	<i>Proceeding No.</i>	<i>Status</i>
6:20-cv-00889- ADA	6,704,304 B1	IPR2021-01012	Institution Decision Pending
6:20-cv-00892- ADA	7,460,658 B2	IPR2021-00691	Institution Decision Pending
6:20-cv-00893- ADA	7,933,211 B2	IPR2021-00689	Institution Decision Pending
6:20-cv-00916- ADA	7,406,074 B2	IPR2021-00692	Institution Decision Pending
6:20-cv-00917- ADA	7,423,962 B2	IPR2021-00690	Institution Decision Pending

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On October 13, 2021, we authorized the parties to file a Joint Motion to Terminate each of the proceedings. 37 C.F.R. § 42.74(a)–(b). We required that each Joint Motion to Terminate update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patents, and advise the Board whether any litigation or proceeding involving the subject patents is contemplated in the foreseeable future. We also required the Joint Motions to Terminate include a copy of any agreement and include a statement certifying that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding. We also authorized the parties to file a request that that the written settlement agreement be treated as business confidential information and be kept separate from the files of an involved patents. 37 C.F.R. § 42.74(c).

On October 18, 2021, in each of the proceedings, the parties filed the authorized Joint Motion to Terminate along with a copy of the settlement agreement and a request to maintain the settlement agreement as business confidential information. The parties have also represented that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceedings.

As the proceedings are in the preliminary stage, we find that the parties have explained adequately why termination is appropriate. Moreover, 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

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settlement agreement between the parties as business confidential
information under 37 C.F.R. § 42.74(c).

In consideration of the above, it is

ORDERED that, for each of the proceedings, the Joint Motion to
Terminate the proceeding is GRANTED and the proceeding is hereby
terminated;

FURTHER ORDERED that the parties' joint requests to treat the
settlement agreement as business confidential information and to keep the
settlement agreement separate from the files of the involved patents under
the provisions of 37 C.F.R. § 42.74(c), is GRANTED.

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