

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

IPR2021-00222; -00223; -00224; -00225; -00226; -00227; -00228; -00229;
-00689; -00690; -00691; -00692; -01012
Patents: 6,882,627 B2; 7,095,713 B2; 7,508,755 B2; 7,515,546 B2;
8,200,224 B2; 9,084,199 B2; 8,249,446 B2; 8,429,480 B2; 6,704,304 B1;
7,460,658 B2; 7,933,211 B2; 7,406,074 B2; 7,423,962 B2¹

BRIAN J. McNAMARA, *Administrative Patent Judge*.

ORDER AUTHORIZING FILING OF MOTIONS TO TERMINATE
Conduct of the Proceeding
37 C.F.R. § 42.5

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 (“Motion to Stay”) in the underlying litigations listed in Table 1 below. *See* Ex. 3101. The parties also notified the Board by e-mail that the pending settlement of the underlying litigations could affect the corresponding *Inter Partes* Reviews (“the corresponding IPRs”).

TABLE 1

<i>Civil Action No. (All cases pending in the W.D. Tex.)</i>	<i>Patent Number</i>	<i>Corresponding Inter Partes Review No.</i>	<i>IPR Status</i>
6:20-cv-00533- ADA	6,882,627 B2	IPR2021-00222	Instituted
6:20-cv-00534- ADA	7,095,713 B2	IPR2021-00223	Instituted
6:20-cv-00535- ADA	7,508,755 B2	IPR2021-00224	Instituted
6:20-cv-00536- ADA	7,515,546 B2	IPR2020-00225	Instituted
6:20-cv-00537- ADA	7,860,512	None ²	N/A
6:20-cv-00538- ADA	7,872,973	None	N/A
6:20-cv-00539- ADA	8,200,224 B2	IPR2021-00226	Instituted

² Some of the litigations that are the subject of the Motion to Stay do not have a corresponding IPR.

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<i>Civil Action No. (All cases pending in the W.D. Tex.)</i>	<i>Patent Number</i>	<i>Corresponding Inter Partes Review No.</i>	<i>IPR Status</i>
6:20-cv-00540- ADA	8,417,112	None	N/A
6:20-cv-00541- ADA	9,084,199 B2	IPR2021-00227	Not Instituted
6:20-cv-00542- ADA	8,249,446 B2	IPR2021-00228	Instituted
6:20-cv-00543- ADA	6,999,727	None	N/A
6:20-cv-00544- ADA	8,429,480 B2	IPR2021-00229	Instituted
6:20-cv-00889- ADA	6,704,304 B1	IPR2021-01012	Institution Decision Pending
6:20-cv-00891- ADA	7,406,260	None	N/A
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

On October 12, 2021, during a status conference call concerning the corresponding IPRs, the parties reported that they had circulated for

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execution a settlement agreement including a provision for moving to
terminate the corresponding IPRs.

The parties may agree to settle any issue in a proceeding pursuant to a
written agreement, a copy of which shall be filed with the Board before
termination of the trial. 37 C.F.R. § 42.74(a)–(b). Any agreement or
understanding between the patent owner and a petitioner, including any
collateral agreements referred to in such agreement or understanding made
in connection with, or in contemplation of the termination shall be in writing
and a true copy of such agreement or understanding shall be filed in the
Office before the termination of such proceeding as between the parties.
35 U.S.C. § 317(b); 37 C.F.R. § 42.74(b). Any such agreement should be
filed as a separate exhibit.

In view of the pending settlement of the underlying litigations, the
parties are authorized to file a Joint Motion to Terminate each of the
corresponding proceedings. The Joint Motion to Terminate must 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 patent, and advise the Board whether any litigation or
proceeding involving the subject patent is contemplated in the foreseeable
future. The Joint Motions to Terminate also must 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.

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A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement. *Id.*

During the status conference call on October 12, 2021, the parties agreed to update the Board on October 18, 2021 concerning the status of the settlement if Motions to Terminate are not filed by that date.

In consideration of the above, it is

ORDERED that for each of the corresponding IPRs the parties are authorized to file a Joint Motion to Terminate the proceeding and a Joint Request That the Settlement Agreement Be Treated as Business Confidential Information; and

FURTHER ORDERED that, if the Motions to Terminate the corresponding IPRs are not filed by October 18, 2021, by the close of business on that date the parties must update the Board via email to Trials@uspto.gov of the status of settlement and the anticipated date for filing the Motions to Terminate.

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