

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

BISHOP DISPLAY TECH LLC,
Patent Owner.

IPR2022-00500 (Patent 6,822,706 B2)
IPR2022-00501 (Patent 7,995,047 B2)
IPR2022-00502 (Patent 8,016,449 B2)
IPR2022-00503 (Patent 8,093,830 B2)¹

Before THU A. DANG, LYNNE E. PETTIGREW, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

TERMINATION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

¹ This Order addresses issues that are the same in each of the above-captioned preliminary proceedings. We exercise our discretion to issue one order for all of the above-captioned preliminary proceedings. The proceedings have not been consolidated, and the parties are not authorized to use this caption format.

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I. INTRODUCTION

In each of the above-captioned preliminary proceedings, with the Board’s prior authorization, Samsung Electronics Co., Ltd. (“Petitioner”) and Bishop Display Tech LLC (“Patent Owner”) (collectively “the Parties”) filed a Joint Motion to Terminate Proceeding and Joint Request to Treat Settlement Agreement as Business Confidential Information and Be Kept Separate. Paper 6 (“Joint Motion”).² In support of each Joint Motion, the Parties filed a copy of a written, confidential “NON-EXCLUSIVE PATENT LICENSE AND SETTLEMENT AGREEMENT.” Ex. 1041 (“Settlement Agreement”).

II. DISCUSSION

In each Joint Motion, the Parties jointly request the respective *inter partes* review proceeding be terminated in light of the settlement of their dispute regarding the involved patent. Joint Motion 2. The Parties state that “[t]he settlement agreement between the parties has been made in writing, and a true and correct copy will be filed with this request as Confidential Exhibit 1041.” *Id.* at 5. The Parties also “confirm that there are no other ‘collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of [the] inter partes review.’” *Id.* (quoting 35 U.S.C. § 317(b)).

There are strong public policy reasons to favor settlement between the parties to a proceeding. *Office Patent Trial Practice Guide*, 84 Fed. Reg.

² We cite to Papers and Exhibits in IPR2022-00500. Similar items were filed in IPR2022-00501, IPR2022-00502, and IPR2022-00503.

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64,280 (Nov. 21, 2019). Here, in each Joint Motion, the Parties “submit that this motion to terminate the proceeding should be granted” and that “[t]ermination of this proceeding is proper” because:

(1) “[t]he parties are jointly requesting termination,” and “[t]here are **strong public policy reasons to favor settlement** between the parties to a proceeding”;

(2) “[t]he Board has not yet decided the merits of the proceeding **before the request for termination is filed**,” “no Motions are outstanding in this proceeding,” and “[n]o other party’s rights will be prejudiced by the termination of this *inter partes* review”; and

(3) the Parties are moving to dismiss the related district court litigation, and the Settlement Agreement calls for the Parties to jointly request termination of the proceeding before the Board as to the involved patent.

Joint Motion 2–5 (citations omitted).

For at least these reasons, we agree that good cause exists and that it is appropriate to dismiss the petition and terminate the preliminary proceeding as to the Parties in each of the above-captioned matters, without rendering a decision on institution or a final written decision. *See* 37 C.F.R. § 42.74.

In each Joint Motion, the Parties also “jointly request that the settlement agreement filed as Confidential Exhibit 1041 be treated as business confidential information and be kept separate from the publicly available files of the involved patent.” Joint Motion 5. The Parties “respectfully submit that this request for confidential treatment should be granted” because it “is timely and in accordance with” 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). *Id.* at 5–6.

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After reviewing the Settlement Agreement between the Parties, we find that the Settlement Agreement contains business confidential information regarding the terms of settlement. Thus, we determine that the Settlement Agreement (Ex. 1041) between the Parties shall be treated as business confidential information under 37 C.F.R. § 42.74(c), and shall be kept separate from the files of the involved patents and associated preliminary proceedings.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is:

ORDERED that, in each of IPR2022-00500, IPR2022-00501, IPR2022-00502, and IPR2022-00503, the Parties' Joint Motion to Terminate Proceeding is *granted*;

FURTHER ORDERED that, in each of IPR2022-00500, IPR2022-00501, IPR2022-00502, and IPR2022-00503, the preliminary proceeding is *terminated* and the petition is *dismissed*; and

FURTHER ORDERED that, in each of IPR2022-00500, IPR2022-00501, IPR2022-00502, and IPR2022-00503, the Parties' Joint Request to Treat Settlement Agreement as Business Confidential Information and Be Kept Separate is *granted*, and the Settlement Agreement shall remain designated as "Parties and Board Only" in the Board's filing system, shall made available only to Federal Government agencies on written request, or to any person on a showing of good cause, and shall be kept separate from the files of the involved patents and associated

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preliminary proceedings, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R.
§ 42.74(c).

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