

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACCESSIBLE LTD.,  
Petitioner,

v.

AUDIOEYE, INC.,  
Patent Owner.

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IPR2022-01432 (Patent 10,997,361 B1)  
IPR2022-01491 (Patent 10,928,978 B2)  
IPR2022-01492 (Patent 11,061,532 B2)  
IPR2022-01493 (Patent 11,080,469 B1)<sup>1</sup>

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Before LYNNE E. PETTIGREW, STACEY G. WHITE, and  
JON M. JURGOVAN, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

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

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<sup>1</sup> This Order addresses issues that are the same in each of the identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

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## I. INTRODUCTION

With the Board’s authorization, Petitioner accessiBe Ltd. and Patent Owner AudioEye, Inc. (collectively, “the Parties”) filed a Joint Motion to Terminate in each of the above-captioned proceedings. Paper 8 (“Joint Motion”).<sup>2</sup> Along with the Joint Motion, the Parties filed a copy of a Settlement Agreement (Ex. 2001, “Settlement Agreement”), as well as a Joint Request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings. Paper 9 (“Joint Request”).

## II. DISCUSSION

In the Joint Motion, the Parties represent that the Settlement Agreement resolves their disputes involving the patents at issue in the above-captioned proceedings. Joint Motion 2. The Parties also represent “that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of th[ese] proceeding[s].” *Id.* The Settlement Agreement states that it “constitutes and contains the entire agreement between the Parties, and supersedes any and all prior negotiations, conversations, correspondence, understandings, and letters respecting the subject matter hereof.” Settlement Agreement 7.

The above-captioned proceedings are at an early stage, and we have not yet decided whether to institute trial in the proceedings. In view of the early stage of the proceedings and the settlement between the Parties, we

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<sup>2</sup> The relevant papers and exhibits filed in the above-captioned proceedings are substantively the same. We cite to the record in IPR2022-01432, unless otherwise indicated.

IPR2022-01432 (Patent 10,997,361 B1)  
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determine that it is appropriate to dismiss the petitions and to terminate the preliminary proceedings. *See* 37 C.F.R. § 42.74.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings. Joint Request 1. After reviewing the Settlement Agreement, we determine that it is appropriate to treat the Settlement Agreement 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).

### III. ORDER

Accordingly, it is:

ORDERED that the Joint Motions to Terminate (IPR2022-01432, Paper 8; IPR2022-01491, Paper 8; IPR2022-01492, Paper 7; IPR2022-01493, Paper 7) are *granted*,

FURTHER ORDERED that in IPR2022-01432, IPR2022-01491, IPR2020-01492, and IPR2022-01493, the preliminary proceedings are *terminated* and the petitions are *dismissed*; and

FURTHER ORDERED that the Joint Requests to treat the Settlement Agreement as business confidential information (IPR2022-01432, Paper 9; IPR2022-01491, Paper 9; IPR2022-01492, Paper 8; IPR2022-01493, Paper 8) are *granted*, and the Settlement Agreement (IPR2022-01432, Ex. 2001; IPR2022-01491, Ex. 2001; IPR2022-01492, Ex. 2001; IPR2022-01493, Ex. 2001) shall be kept separate from the files of U.S. Patent Nos. 10,997,361 B1, 10,928,978 B2, 11,061,532 B2, and 11,080,469 B1, and

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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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