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Paper 10
Date: June 27, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

DAEDALUS PRIME LLC,
Patent Owner.

IPR2023-00659 (Patent 9,432,840 B2)
IPR2023-00660 (Patent 8,359,629 B2)
IPR2023-00661 (Patent 10,705,960 B2)
IPR2023-00727 (Patent 9,887,838 B2)
IPR2023-00753 (Patent 10,372,197 B2)

Before WILLIAM V. SAINDON, THOMAS L. GIANNETTI, ARTHUR M. PESLAK, and KRISTI L. R. SAWERT, *Administrative Patent Judges*.[1]

PER CURIAM.

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

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[1] This is not an expanded panel. The panel for IPR2023-00659 includes Judges Saindon, Peslak, and Sawert. The panel for IPR2023-00660 and -00753 includes Judges Giannetti, Peslak, and Sawert. The panel for IPR2023-00661 includes Judges Saindon, Giannetti, and Peslak. The panel for IPR2023-00727 includes Judges Saindon, Giannetti, and Sawert.

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively "the Parties") filed a Joint Motion to Terminate in each of the above-identified proceedings. Paper 10 ("Joint Motion").[2] In support of each Joint Motion, the Parties filed a copy of a Settlement Agreement (Ex. 1028) and a Joint Request to Treat the Settlement Agreement as Business Confidential Information (Paper 9 ("Joint Request")) pursuant to 37 C.F.R. § 42.74.

II. DISCUSSION

In the Joint Motions, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, and that the filed copy of the Settlement Agreement is a true and complete copy. Paper 10; 37 C.F.R. § 42.74(b) (requiring a "true copy" of any agreement to be filed with the Board). The Parties state that "there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding[s]." Paper 10; 37 C.F.R. § 42.74(b) (requiring "*Any* agreement or understanding between the parties" to be filed with the Board) (emphasis added). The Settlement Agreement indicates that it resolves all currently

[2] This Decision cites to papers and exhibits in IPR2023-00659. Corresponding items were filed in IPR2023-00660, IPR2023-00661, IPR2023-00727, and IPR2023-00753.

pending proceedings between the Parties involving the above-identified patents at issue. Ex. 1028, 1–2.

These proceedings are at an early stage, and we have not yet decided whether to institute trial in any of the proceedings. In view of the early stage of the proceedings and the settlement between the Parties, which resolves all proceedings involving the Parties and the above-identified patents, we determine that good cause exists to terminate the proceedings with respect to the Parties.

The Parties also filed Joint Requests that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the patents involved in these *inter partes* review proceedings. Paper 9. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner 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, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate in each of the above-

identified proceedings is *granted*, and the proceedings are *terminated*; and

FURTHER ORDERED that the Joint Request to Treat the Settlement Agreement as Business Confidential Information in each of the above-identified proceedings is *granted*, and the Settlement Agreement shall be kept separate from the files of Patents 9,432,840 B2; 8,359,629 B2; 10,705,960 B2; 9,887,838 B2; and 10,372,197 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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