

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,¹
Petitioner,

v.

LEXOS MEDIA IP, LLC,
Patent Owner.

IPR2023-01001
Patent 6,118,449

Before PHILLIP J. KAUFFMAN, JEFFREY S. SMITH, and
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

ORDER
Settlement as to Amazon.com, Inc.
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ The Board joined eBay, Inc. as a party (Petitioner) to this proceeding in IPR2024-00337.

I. INTRODUCTION

With Board authorization, Petitioner Amazon.com, Inc. (“Amazon”) and Lexos Media IP, LLC (“Patent Owner”) filed a Joint Motion to Terminate. Paper 11 (“Joint Motion”). Amazon and Patent Owner also filed a copy of their Binding Term Sheet (Exhibit 1014) and Settlement Agreement (Exhibit 1015) and included in the Joint Motion a request to treat these documents as business confidential information and to keep them separate from the underlying patent file, as per 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

II. DISCUSSION

In the Joint Motion, Amazon and Patent Owner represent that “the parties have resolved all disputes concerning the ’449 patent.” Joint Motion 3. They additionally certify that Exhibits 1014 and 1015 are copies of the agreement documents entered into between Amazon and Patent Owner, and that, other than the documents submitted as Exhibits 1014 and 1015, “[t]here are no other agreements, oral or written, between Patent Owner and Amazon made in connection with, or in contemplation of, the termination of” this proceeding. *Id.* at 1.

We instituted trial in this proceeding on December 12, 2023. Paper 9. The trial is still in an early stage. Amazon and Patent Owner have shown adequately that termination of Amazon as Petitioner from this proceeding is appropriate. Petitioner eBay, Inc. requested joinder on December 20, 2023, and joinder has been granted. Paper 12. Under these circumstances, we determine that good cause exists to terminate the proceeding only as to Amazon. Petitioner eBay, Inc. remains in this proceeding and will act as the

lead petitioner. *See id.*

With respect to Exhibits 1014 and 1015, we grant Amazon and Patent Owner's request. After reviewing these exhibits, we find that they contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat Exhibits 1014 and 1015 as business confidential information pursuant to 35 U.S.C. § 317(b) and 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 Motion is *granted*, and this proceeding is *terminated* only with respect to Amazon.com;

FURTHER ORDERED that eBay, Inc. remains as Petitioner in this proceeding and will act as the lead petitioner;

FURTHER ORDERED that Exhibit 1014 and Exhibit 1015 shall be kept separate from the file of Patent 6,118,449, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the caption for this proceeding is as set forth in the attached Appendix, and the remaining parties shall use this caption for all further filings in this proceeding.

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Appendix: Sample Case Caption

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY, INC.,¹
Petitioner,

v.

LEXOS MEDIA IP, LLC,
Patent Owner.

IPR2023-01001
Patent 6,118,449

¹ The Board joined eBay, Inc. as a party (Petitioner) to this proceeding in IPR2024-00337. Original Petitioner Amazon.com, Inc. has been terminated in this proceeding.