

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

KONINKLIJKE KPN N.V.,
Patent Owner.

IPR2024-00237
Patent 11,259,338 B2

Before ROBERT J. WEINSCHENK, KARA L. SZPONDOWSKI, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

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

I. INTRODUCTION

On December 1, 2023, Petitioner Ericsson, Inc. filed a Petition seeking *inter partes* review of U.S. Patent No. 11,259,338 B2. Paper 1. With our authorization, on January 23, 2024, the parties filed a Joint Motion to Terminate Proceeding. Paper 7 (“Motion” or “Mot.”). The parties also filed a copy of a Settlement and License Agreement. Ex. 1011 (“Agreement”). In a Joint Request to Keep Confidential, the parties identified the Agreement as business confidential information and requested that the Agreement be kept separate from the patent file. Paper 8 (“Joint Request”). For the reasons discussed below, the Motion and Joint Request are *granted*.

II. ANALYSIS

This proceeding is at an early stage, and we have not yet issued a decision on whether to institute trial. The parties indicate that they have settled their disputes regarding the challenged patent. Mot. 1. The parties filed the Agreement and “certify that there are no other collateral agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* “There are strong public policy reasons to favor settlement between the parties to a proceeding,” and, thus, “[t]he Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” Consolidated Trial Practice Guide, 86 (Nov. 2019), *available at* <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf> (“TPG”).

Under these circumstances, we determine that it is appropriate to dismiss the Petition and terminate this proceeding. *See* 37 C.F.R. §§ 42.71(a), 42.5. We also determine that it is appropriate to treat the

Agreement as business confidential information to be kept separate from the patent file. *See* 37 C.F.R. § 42.74(c).

III. ORDER

It is hereby

ORDERED that the Motion is *granted* and the Petition is *dismissed*;

FURTHER ORDERED that this proceeding is *terminated* as to all parties; and

FURTHER ORDERED that the Joint Request to treat the Agreement as business confidential information to be kept separate from the patent file is *granted*.

IPR2024-00237
Patent 11,259,338 B2

For PETITIONER:

Chad C. Walters
Douglas M. Kubehl
Jeffrey S. Becker
BAKER BOTTS L.L.P.
chad.walters@bakerbotts.com
doug.kubehl@bakerbotts.com
jeff.becker@bakerbotts.com

For PATENT OWNER:

Stephen D. Zinda
James H. Hall
CABELLO HALL ZINDA, PLLC
stephen@chzfirm.com
james@chzfirm.com