

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner,

v.

FOTONATION LIMITED,  
Patent Owner.

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IPR2018-01798 (Patent 7,860,274 B2)  
IPR2018-01799 (Patent 7,574,016 B2)  
IPR2018-01800 and IPR2018-01801 (Patent 8,908,932 B2)  
IPR2018-01802 (Patent 8,331,715 B2)  
IPR2018-01803 (Patent 7,916,897 B2)  
IPR2018-01804 (Patent 7,620,218 B2)  
IPR2019-00002 and IPR2019-00003 (Patent 8,254,674 B2)<sup>1</sup>

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Before WILLIAM V. SAINDON, JEFFREY A. STEPHENS, and  
SCOTT C. MOORE, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

ORDER

*Granting* Joint Motions to Terminate Proceeding Due to  
Settlement before Institution and  
*Granting* Joint Requests to File Settlement Agreement and Consent Letter  
as Business Confidential Information  
*37 C.F.R. § 42.74*

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<sup>1</sup> This Order addresses issues pertaining to the above-identified proceedings.  
We exercise our discretion to issue one Order to be filed in each case.

IPR2018-01798 (Patent 7,860,274 B2)  
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## I. INTRODUCTION

Petitioner and Patent Owner (collectively referred to as “the Parties”) have requested that the above-identified *inter partes* review proceedings be terminated pursuant to a settlement. On December 20, 2018, we authorized the Parties to file joint motions to terminate the proceedings. On December 21, 2018, the Parties filed Joint Motions to Terminate the above-identified proceedings (collectively “Joint Motions”). Paper 8.<sup>2</sup> Along with the Joint Motions, the Parties filed copies of a Confidential Settlement and License Agreement (“Settlement Agreement”) (Ex. 2001) and an associated Confidential Consent Letter (“Consent Letter”) (Ex. 2002).<sup>3</sup> The Parties also filed Joint Requests to Treat the Settlement Agreement and Consent Letter as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (collectively “Joint Requests”). Paper 9.<sup>4</sup>

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<sup>2</sup> For purposes of expediency, we cite to the paper filed in IPR2018-01798. Similar papers were filed in IPR2018-01799 (Paper 6), IPR2018-01800 (Paper 6), IPR2018-01801 (Paper 6), IPR2018-01802 (Paper 6), IPR2018-01803 (Paper 6), IPR2018-01804 (Paper 6), IPR2019-00002 (Paper 6), and IPR2019-00003 (Paper 6).

<sup>3</sup> The Parties also filed copies of the Settlement Agreement and Consent Letter in IPR2018-01799 (Ex. 2001; Ex. 2002), IPR2018-01800 (Ex. 2001; Ex. 2002), IPR2018-01801 (Ex. 2001; Ex. 2002), IPR2018-01802 (Ex. 2001; Ex. 2002), IPR2018-01803 (Ex. 2001; Ex. 2002), IPR2018-01804 (Ex. 2001; Ex. 2002), IPR2019-00002 (Ex. 2001; Ex. 2002), and IPR2019-00003 (Ex. 2001; Ex. 2002).

<sup>4</sup> The Parties filed similar Joint Requests in IPR2018-01799 (Paper 7), IPR2018-01800 (Paper 7), IPR2018-01801 (Paper 7), IPR2018-01802

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## 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 copies of the Settlement Agreement and Consent Letter are true and complete copies. Paper 8, 1–2. The Parties further represent that their Settlement Agreement and Consent Letter settles their dispute, and that District Court proceedings between the Parties involving the above-identified patents at issue are being dismissed with prejudice. *Id.* at 1.

These proceedings are at an early stage, and we have not yet decided whether to institute a trial in any of these proceedings. In view of the early stage of these proceedings and the settlement between the Parties, we determine that good cause exists to terminate these proceedings with respect to the Parties.

The Parties also filed Joint Requests that the Settlement Agreement and Consent Letter be treated as business confidential information and be kept separate from the file of the respective patents involved in these *inter partes* proceedings. Paper 9, 1. After reviewing the Settlement Agreement and Consent Letter between Petitioner and Patent Owner, we find that the Settlement Agreement and Consent Letter contain information regarding the

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(Paper 7), IPR2018-01803 (Paper 7), IPR2018-01804 (Paper 7), IPR2019-00002 (Paper 7), and IPR2019-00003 (Paper 7).

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terms of settlement. We determine that good cause exists to treat the Settlement Agreement and Consent Letter between Petitioner and Patent Owner as business confidential information, which shall be kept separate from the files of the involved patents 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 Motions to Terminate are *granted*, and IPR2018-01798, IPR2018-01799, IPR2018-01800, IPR2018-01801, IPR2018-01802, IPR2018-01803, IPR2018-01804, IPR2019-00002, and IPR2019-00003 are *terminated*; and

FURTHER ORDERED that the parties' Joint Requests to Treat the Settlement Agreement and Consent Letter as Business Confidential Information are *granted*, and the Settlement Agreement and Consent Letter shall be kept separate from the files of Patent 7,860,274 B2, Patent 7,574,016 B2, Patent 8,908,932 B2, Patent 8,331,715 B2, Patent 7,916,897 B2, Patent 7,620,218 B2, and Patent 8,254,674 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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