

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

U.S. ETHERNET INNOVATIONS, LLC
Patent Owner

Case IPR2013-00384
Patent 5,530,874

Before GLENN J. PERRY, THOMAS L. GIANNETTI, and TRENTON A.
WARD, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Motion to Terminate
37 C.F.R. § 42.72

On March 17, 2014, the parties filed a joint motion to terminate the trial proceedings under 35 U.S.C. § 317(a). Paper 13. Along with the motion, the parties filed a copy of a document they described as the written settlement agreement, as well as a separate joint request to treat the settlement agreement as business confidential information under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Papers 14, 15.

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The parties stated in their motions that they have settled their dispute and have reached agreement to terminate this *inter partes* review and the co-pending litigation. Paper 15, 1.

Furthermore, the joint motion lists seven litigation matters involving the ’874 patent against multiple defendants. The motion states that Patent Owner has reached a settlement with all but two of those defendants. *Id.* at 2-3. A pre-trial conference in those cases is scheduled for March 27, 2014. *Id.* at 3.

The parties are reminded that the Board is not a party to the settlement, and may independently identify any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). This proceeding is still in the preliminary stages. The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding without rendering a final written decision. 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motion to terminate this proceeding is GRANTED and this proceeding is hereby terminated;

FURTHER ORDERED that the parties' joint request that the settlement agreement (Paper 15) be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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PETITIONER:

Cono Carrano
Jin-Suk Park
AIKIN GUMP STRAUS HAUER & FELD LLP
ccarrano@aikingump.com
jspark@aknigump.com

PATENT OWNER:

Thomas J. McWilliams
Edward F. Behm, Jr.
BARNES & THORNBURG, LLP
tmcwilliams@btlaw.com
ebehm@btlaw.com