

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HONDA TSUSHIN KOGYO CO., LTD.
Petitioner

v.

ADVANCED CONNECTION TECHNOLOGY INC.
Patent Owner

Case IPR2013-00520
Case IPR2014-00307
Patent 7,128,617 B2

Before HOWARD B. BLANKENSHIP, KARL D. EASTHOM, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceedings¹
37 C.F.R. §§ 42.72, 42.73, 42.74

¹ This Judgment (by termination) will be entered in both proceedings.

On June 13, 2014, in each of the above-listed related proceedings, which involve challenges to U.S. Patent No. 7,128,617 B2 (“the ’617 Patent”), the parties filed a joint motion to terminate the respective proceeding, along with a true copy of their written settlement agreement, made in connection therewith, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 21 (attaching Ex. 1018, written settlement agreement).² The parties also filed a joint motion in each case to treat the settlement agreement as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 22.

In each case, the joint motion to terminate states that the parties jointly request termination of the proceeding and that termination is proper because the proceeding is at a preliminary stage. *See* Paper 21. We recently instituted trial in IPR2013-00520 (on February 14, 2014), and the IPR2014-00307 is still in the pre-institution stage. The motions also indicate that the agreement requires dismissal of a related district court lawsuit involving the ’617 Patent, in which a named real party-in-interest here is a defendant there. That related lawsuit has been dismissed. *See* Paper 21, 1–2 (discussing related district court lawsuits). At this preliminary stage in each proceeding, the record lacks full briefing on the trial issues, rendering unripe a final written decision.

Based on the foregoing, the record warrants entering judgment by terminating the proceeding without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72 (termination), 42.73 (judgment generally),

² Unless otherwise noted, record citations refer to the representative IPR2013-00520 proceeding. The parties filed substantively similar motions and a settlement agreement in IPR2014-00307. *See* IPR2014-00307, Papers 11, 12, Ex. 1015.

42.74 (settlement). A judgment “means a final written decision by the Board, or a termination of a proceeding.” 37 C.F.R. § 42.2.³

It is

ORDERED that the joint motions to terminate IPR2013-00520 and IPR2014-00307 are *granted*;

FURTHER ORDERED that the two proceedings are *terminated*; and

FURTHER ORDERED that the parties’ joint requests in IPR2013-00520 and IPR2014-00307, that the settlement agreements be treated as business confidential information, kept separate from the patent files, 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), are *granted*.

³ This Judgment renders moot a decision on any other pending motions, or requests to file motions, including, in IPR2014-00307, Patent Owner’s motion for *pro hac vice* admission and Petitioner’s request to file a motion for joinder. See IPR2014-00307, Papers 8, 9.

Cases IPR2013-00520, IPR2014-00307
Patent 7,128,617 B2

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