

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLIR SYSTEMS, INC.
Petitioner,

v.

e-WATCH, INC.
Patent Owner.

Case IPR2014-00130
Patent 6,970,183

Before JAMESON LEE, MICHAEL W. KIM, and BARBARA A. PARVIS,
Administrative Patent Judges.

PARVIS, *Administrative Patent Judge.*

ORDER
Termination of Proceeding
37 C.F.R. § 42.72

On May 29, 2014, the parties filed a joint motion to terminate this *inter partes* review with respect to both Petitioner (“FLIR Systems”) and Patent Owner (“e-Watch”) (Paper 19) and, on June 5, 2014, the parties filed a revised joint motion to terminate, which reflects correct exhibit numbers

(Paper 24).¹ On May 29, 2014, the parties filed a copy of their written settlement agreement covering Patent 6,970,183 involved in this *inter partes* review (Ex. 2001). The parties also filed a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 28).² The parties represent that the settlement agreement filed as Exhibit 2001 is a true and accurate copy of their settlement agreement. Paper 24.

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 requirement for terminating review with respect to Petitioner is met.

Under 35 U.S.C. § 317(a), “If no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” FLIR Systems is the sole petitioner in this review. The Board has discretion to terminate this review with respect to e-Watch as Patent Owner.

¹ e-Watch filed an accompanying explanation as to why termination is appropriate with respect to the Patent Owner. Ex. 2004. The revised joint motion to terminate (Paper 24) and accompanying explanation (Ex. 2004) considered together do not exceed the limit of 15 pages set by 37 C.F.R. § 42.24(a)(v).

² A joint request was filed on May 29, 2014 (Paper 20) and, on June 10, 2014, the parties filed a corrected joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 28).

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e-Watch indicates that the settlement agreement provides for dismissal of related civil litigation between FLIR Systems and e-Watch, involving Patent 6,970,183. Ex. 2004. The related civil action is identified as *e-Watch, Inc. v. FLIR Systems, Inc.*, Civil Case No. 4:13-cv-638 (S.D. Tex.). *Id.*

The joint motion to terminate identifies other related litigation involving Patent 6,970,183, and defendants other than FLIR Systems, which will not be dismissed even if the Board grants the joint motion to terminate proceeding. Paper 24. One of these defendants, Mobotix Corp., has filed a petition for *inter partes* review of Patent 6,970,183, which is pending. IPR2013-00255, Paper 1. However, Mobotix Corp. has not filed a motion for joinder with this *inter partes* review. Additionally, on this record, the other defendants in such other related litigation have not filed a petition for *inter partes* review of Patent 6,970,183, and there is no pending motion by any third party for joinder with this *inter partes* review.

e-Watch has not yet filed a Patent Owner Response in this proceeding. The Board determines that in these circumstances it is appropriate to terminate review both as to FLIR Systems and e-Watch without rendering a final written decision. See 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

It is

ORDERED that the joint motion to terminate IPR2014-00130 is *granted*, and this *inter partes* review is hereby terminated as to all parties including FLIR Systems as the Petitioner and e-Watch as the Patent Owner; and

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FURTHER ORDERED that the parties's joint request (Paper 28) to have their settlement agreement (Exhibit 2001) treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is also *granted*.

For PETITIONER:

Peter C. Schechter
Tammy J. Terry
OSHA LIANG LLP
schechter@oshaliang.com
terry@oshaliang.com

Nicholas DiCeglieEDWARDS WILDMAN PALMER LLP
ndiceglie@edwardswildman.com

For PATENT OWNER:

Robert C. Curfiss
bob@curfiss.com