

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., LG ELECTRONICS USA, INC., and
LG ELECTRONICS MOBILECOMM U.S.A., INC.,
Petitioner,

v.

NFC TECHNOLOGY, LLC,
Patent Owner.

Case IPR2014-00959
Patent 6,700,551 B2

Before JAMES B. ARPIN, NEIL T. POWELL, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73(a)

On August 13, 2014, the parties filed a Joint Motion to Terminate (Paper 10) pursuant to 35 U.S.C. § 317(a). In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Patent Owner filed a copy of a Settlement Agreement (Ex. 2001) along with a Joint Request That Settlement Agreement Be Treated As Business Confidential Information And Kept Separate Under 37 C.F.R. § 42.74(c) (Paper 11), to be kept separate from the patent file.

This case is in the preliminary proceeding¹ stage; no decision whether to institute a trial has been made. The co-pending district court litigation between the parties has been dismissed, with prejudice, effective August 11, 2014, and the parties have represented that they have settled their dispute regarding Patent No. US 6,700,551 B2.² See Paper 10, 2-3. Under these circumstances, we determine that it is appropriate to terminate the case without rendering a final written decision. 37 C.F.R. § 42.74. Based on the facts of this case, it is appropriate to enter judgment.³ Therefore, the Joint Motion to Terminate is granted.

Accordingly, it is

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

² District court litigation between Patent Owner and HTC America, Inc., and HTC Corporation (“HTC”) remains pending in the U.S. District Court for the Eastern District of Texas, Civil Action No. No. 2:13-cv-01058 (Dec. 5, 2013). Paper 10, 3. Further, HTC has filed a petition for *inter partes* review, IPR2014-01198, against Patent Owner regarding the same patent. *Id.* at 3 n.1.

³ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

ORDERED that the parties' request that the Settlement Agreement be treated as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate is *granted*; and

FURTHER ORDERED that the proceeding is *terminated*.

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