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Paper 14
Entered: March 11, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER INC., DEXIN ELECTRONICS CO., LTD., AND THERMALTAKE TECHNOLOGY,
Petitioner

v.

BETTER MOUSE CO., LLC,
Patent Owner

Case IPR2014-01108
Patent 7,532,200 B2

Before MICHAEL W. KIM, ERICA A. FRANKLIN, and MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.72

The Board authorized the parties to file a joint request to terminate the above-captioned proceeding.

On March 9, 2015, and pursuant to 35 U.S.C. § 317, the parties filed a joint motion to terminate the above-captioned proceeding (Paper 13), along with a copy

of the settlement agreement (Ex. 2003). The joint motion also includes a request to file the settlement agreement as business confidential information, to be kept separate from the patent file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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), "[i]f 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)." Asustek Computer Inc., Dexin Electronics Co., Ltd., and Thermaltake Technology represent all petitioners in this review. The Board has discretion to terminate this review with respect to Better Mouse Co., LLC as Patent Owner. The above represent all parties in this proceeding.

The joint motion indicates that the parties have settled their dispute, and have reached agreement to terminate this proceeding. Paper 13, 1, 3. The joint motion indicates further that Asustek Computer Inc. and Thermaltake Technology have memorialized their agreement with respect to a joint stipulation for dismissal with prejudice of the underlying district court cases between the parties involving the '200 patent in the settlement agreement. Paper 13, 2; Ex. 2003. The joint motion identifies the following underlying district court cases between the parties regarding the '200 patent: *Better Mouse Company, LLC v. ASUSTek Computer Inc., et al.,* Case No. 2:14-cv-296 (E.D. Tex.); *Better Mouse Company, LLC v. Thermaltake Technology Co., Ltd., et al.,* Case No. 2:14-cv-299 (E.D. Tex.). Paper 13, 2. There are no collateral side agreements. Ex. 2003, 7.

Petitioner filed a Petition on July 22, 2014, and Patent Owner filed a Preliminary Response to the Petition on October 31, 2014. The Board instituted *inter partes* review on January 13, 2015. Patent Owner has not filed a patent owner response. This proceeding has not resulted in a final decision on the merits.

Based on the facts of the case, it is appropriate to terminate the proceeding as to both Petitioner and Patent Owner. Therefore, the joint motion to terminate and the request to file the settlement agreement as business confidential information are *granted*.

Accordingly, it is

ORDERED that the joint request to file the settlement agreement as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the joint motion to terminate the proceeding is *granted*; and

FURTHER ORDERED that the proceeding is *terminated*.

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