

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION, ZTE (USA), AMAZON.COM, INC., PANTECH
CO., LTD., PANTECH WIRELESS, INC., DELL, INC., LG
ELECTRONICS, INC., and LG ELECTRONICS U.S.A., INC.,
Petitioners,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,
Patent Owner.

Case IPR2014-01131
Patent 6,819,923 B1

Before JENNIFER S. BISK, GREGG I. ANDERSON, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
35 U.S.C. 317(a)

On June 9, 2015, Petitioners, listed above, and Patent Owner, Cellular Communications Equipment LLC, filed a joint motion to terminate this proceeding under 35 U.S.C. § 317(a) (Paper 34, “Mot.”) and to keep the simultaneously filed settlement agreement, Exhibit 1020 (designated as “Parties and Board Only”) as business confidential information under 37 C.F.R. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 35).

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.” In their joint motion, the parties request termination of the instant proceeding because they have settled their dispute with regard to U.S. Patent No. 6,819,923 B1 (“the ’923 patent”) and because this proceeding is still at an early stage. Mot. 3.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties to the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties filed such a settlement agreement. Ex. 1020. The Joint Motion represents that the settlement resolves the dispute between the parties, with respect to the ’923 patent, in related district court actions as well. Mot. 4–7. We also agree that this proceeding is at an early stage. Although a decision to institute was entered five months ago (Paper 12), briefing has not been completed in the trial portion of this proceeding.

We are persuaded that, under these circumstances, it is appropriate to terminate this proceeding with respect to all remaining parties.

ORDER

It is

ORDERED that the motion to terminate this proceeding is *granted*;

FURTHER ORDERED that this proceeding is terminated with respect to all parties; and

FURTHER ORDERED that the parties' settlement agreement, Exhibit 1020, will be kept as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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