

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC.,
Petitioner,

v.

MSPBO, LLC,
Patent Owner.

Case IPR2014-01379
Patent 6,744,375 B1

Before DEBRA K. STEPHENS, JOSIAH C. COCKS, and
JAMES B. ARPIN, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding after Institution
37 C.F.R. § 42.73

On April 28, 2015, Garmin International Inc. (“Petitioner”) and MSPBO, LLC (“Patent Owner”), filed a Joint Motion to Terminate *Inter Partes* Review in the above-identified proceeding, directed to U.S. Patent 6,744,375, pursuant to 35 U.S.C. § 317(a). Paper 13. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties also filed a true copy of their Settlement Agreement, made in connection with the termination of the proceedings. Ex. 1024. Additionally, the parties requested and submitted a Joint Request to Keep Paper Separate as Business Confidential Information, to have their Settlement Agreement be kept separate from the patent file and treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 13, 2–3; Paper 14. For the reasons set forth below, the Joint Motion to Terminate *Inter Partes* Review and the Joint Request to Keep Paper Separate as Business Confidential Information are *granted*.

In their Joint Motion to Terminate, the parties request the Board to terminate the above-identified proceedings with respect to both parties, because the parties have settled their dispute and have reached agreement to terminate the *inter partes* review. Paper 13, 1. The parties also request termination due to the early stage of the proceedings and because no final written decision on the merits has been entered. *Id.* at 2. Furthermore, the parties indicate the Settlement Agreement includes a joint stipulation for dismissal with prejudice of the district court proceedings in related district court litigation, *MSPBO, LLC v Adidas N. Am., Inc.*, No. 1:13-cv-02287 (D. Colo.) and *MSPBO, LLC v. Garmin Int’l, Inc.*, No. 1:13-cv-3388 (D. Colo.). *Id.*

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice

Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Upon consideration of the facts before us, we determine that it is appropriate to terminate the above-identified proceedings as to both parties, and enter judgment.

For the foregoing reasons, it is:

ORDERED that the Joint Motion to Terminate *Inter Partes* Review is granted;

FURTHER ORDERED that the parties' Joint Request to Keep Paper Separate as Business Confidential Information that their Written Settlement Agreement be treated as business confidential information kept separate from the patent file, 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), is *granted*; and

FURTHER ORDERED that the *inter partes* review is *terminated*.

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PETITIONER:

Lead Counsel:
Jennifer C. Bailey
jennifer.bailey@eriseip.com
Back-Up Counsel:
Adam P. Seitz (Reg. No. 52,206)
adam.seitz@eriseip.com
ERISE IP, P.A.

PATENT OWNER:

Lead Counsel:
Steven C. Sereboff
ssereboff@socalip.com
Back-Up Counsel:
Michael D. Harris
mharris@socalip.com
SoCal IP Law Group LLP