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Paper 14
Entered: May 29, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE USA, INC., and T-MOBILE US, INC.,
Petitioner,

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2014-01035 (Patent 5,659,891)[1]
Case IPR2014-01036 (Patent 5,915,210)[2]

Before MIRIAM L. QUINN, MEREDITH C. PETRAVICK, and SCOTT A. DANIELS, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

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

[1] This case was joined with IPR2015-00018 on Apr. 8, 2015. Paper 16.
[2] This case was joined with IPR2015-00015 on Apr. 8, 2015. Paper 15.

On May 19, 2015, Petitioner T-Mobile USA, Inc. and T-Mobile US, Inc. ("T-Mobile") and Patent Owner filed a joint motion to terminate the instant proceedings pursuant to a settlement agreement. IPR2014-01035, Paper 19; IPR2014-01036, Paper 18.[3] The parties also filed, with "Board only" accessibility, a true copy of their written settlement agreement made in connection with the termination of the instant proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Exhibit 2003. Additionally, the parties submitted 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 20.

The instant proceeding is in its early trial stage, before the due date for patent owner's response. The parties state that Petitioner T-Mobile will not participate further in the proceedings even if the Board does not grant the motion to terminate. Paper 19, 3. We determine that termination as to Petitioner is proper, as we have not decided the merits of the proceeding.

Patent Owner filed separately, as Exhibit 2004, additional and lengthy arguments as to why it would be appropriate for the panel to terminate the proceeding as to Patent Owner. Those arguments should have been presented in the body of the motion, not as an attachment to the motion, as the arguments form part of the full statement of the reasons for the relief requested in a motion to terminate. *See* 37 C.F.R. §42.22(a)(2). Therefore, the arguments presented in Exhibit 2004 will not be considered.

[3] The filings in each of these proceedings are identical, and, therefore, we refer from here on to the filings in case IPR2014-01035.

Upon consideration of the arguments presented in the motion, based on the facts of this case, and the need to conserve Board resources, it is appropriate to enter judgment.[4] *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motions to terminate IPR2014-01035 and IPR2014-01036 are *granted*;

FURTHER ORDERED that the instant proceedings are hereby *terminated* in their entirety;

FURTHER ORDERED that the parties' joint requests that the settlement and agreement be treated as business confidential information kept separate from the patent file, and made available only as provided by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*.

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

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