

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

PRAGMATUS MOBILE, LLC,
Patent Owner.

Case IPR2015-01085
Patent 8,466,795 B2

Before JUSTIN T. ARBES, BART A. GERSTENBLITH, and
JASON J. CHUNG, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

JUDGMENT
TERMINATION OF TRIAL
37 C.F.R. §§ 42.72, 42.73

I. DISCUSSION

Lenovo (United States) Inc. (“Petitioner”) and Pragmatus Mobile, LLC (“Patent Owner”) filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72. Paper 22. Along with their motion, the parties filed a “true and correct” copy of a document they

describe as the settlement agreement (Ex. 1011). *Id.* at 2. The parties represent that there are no other agreements, oral or written, between them made in connection with, or in contemplation of, the termination of this proceeding. *Id.* The joint motion also requests that the settlement agreement be treated as business confidential information and kept separate under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). *Id.* at 5.

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). Although trial has been instituted, we have not decided the merits of the proceeding. 35 U.S.C. § 317(a) (“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate . . .”). We are persuaded that, under these circumstances, termination of this proceeding is appropriate.

II. ORDER

Accordingly, it is:

ORDERED that the joint motion to terminate this proceeding (Paper 22) is *granted*;

FURTHER ORDERED that the joint request by the parties that the settlement agreement (Ex. 1011) be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any

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person on a showing of good cause, under the provisions of 35 U.S.C.

§ 317(b) and 37 C.F.R. § 42.74(c) (Paper 22), is *granted*; and

FURTHER ORDERED that this trial is terminated.

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For PETITIONER:

Todd E. Landis
Eric J. Klein
Ruben H. Munoz
AKIN GUMP STRAUSS HAUER & FELD LLP
tlandis@akingump.com
eklein@akingump.com
rmunoz@akingump.com

For PATENT OWNER:

David Alberti
FEINBERG DAY ALBERTI & THOMPSON LLP
dalberti@feinday.com

Michael Casey
DAVID BERQUIST JACKSON & GOWDEY, LLP
mcasey@dbjg.com