

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOLID, INC.,
Petitioner,

v.

CORNING OPTICAL COMMUNICATIONS WIRELESS LTD,
Patent Owner.

Case IPR2015-01170
Patent 7,483,504 B2

Before TRENTON A. WARD, STACEY G. WHITE, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. § 42.74

I. INTRODUCTION

On March 8, 2016, the parties filed a Joint Motion to Terminate the instant proceeding. Paper 18 (“Joint Mot.”). In addition, pursuant to 37 C.F.R. § 42.74(b), the parties filed a copy of their written settlement agreement (“Agreement”), covering, *inter alia*, the patent involved in this proceeding, U.S. Patent No. 7,483,504 B2 (“the ’504 patent”). Ex. 1010. The parties filed a joint motion to have the Agreement be treated as business confidential information and kept separate from the files of the patent involved in this proceeding under 37 C.F.R. § 42.74(c). Paper 19. We authorized the filing of these papers.

II. ANALYSIS

The parties contend that, under 35 U.S.C. § 317(a), termination is proper because the parties involved in the proceeding jointly request it and the merits have not yet been decided. Joint Mot. 3; *see also* 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.”). The parties further contend that termination is appropriate because they have resolved their dispute concerning the ’504 patent, and have filed a true copy of the Agreement pursuant to 37 C.F.R. § 42.74(b). Joint. Mot. 2–3. No decision on the merits has issued in this proceeding. Upon review of the procedural posture of this proceeding and the facts before us, we are persuaded that good cause exists to terminate the instant proceeding.

All parties filed, along with their Joint Motion to Terminate, a joint motion requesting that the Agreement be kept separate and treated as

business confidential under 37 C.F.R. § 42.74(c). Paper 19. The parties' request under 37 C.F.R. § 42.74(c) is granted. Pursuant to 37 C.F.R. § 42.74(c), the Agreements "shall only be available: (1) [t]o a Government agency on written request to the Board; or (2) [t]o any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in [37 C.F.R. § 42.15(d)] and on a showing of good cause."

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that the instant proceeding is hereby *terminated* as to all parties; and

FURTHER ORDERED that the Joint Motion to treat the Agreements as business confidential and keep them separate from the patent file pursuant to 37 C.F.R. § 42.74(c) is *granted*.

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PETITIONER:

Ognian V. Shentov
Yeah-Sil Moon
S. Christian Platt
JONES DAY
ovshentov@jonesday.com
ymoon@jonesday.com
cplatt@jonesday.com

PATENT OWNER:

Michael Goldman
Edwin Merkel
Wendell Harris
LECLAIRRYAN, A Professional Corporation
michael.goldman@leclairryan.com
edwin.merkel@leclairryan.com
wendell.harris@leclairryan.com