

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KYOCERA COMMUNICATIONS, INC.,
Petitioner,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,
Patent Owner.

Case IPR2015-01564
Patent 8,868,060 B2

Before JENNIFER S. BISK, GREGG I. ANDERSON,
WILLIAM M. FINK, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
37 C.F.R. § 42.5(a), 42.71(a)

On January 6, 2015, the parties filed a “Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74” (“Motion,” “Mot.,” Paper 22) based on a settlement that resolves the parties’ disputes related to the challenged patent. The parties also reached settlement in IPR2015-01559 and are concurrently requesting termination of that proceeding. Mot. 2, 7. The parties concurrently filed a true copy of the settlement agreement (Ex. 1015) along with a “Joint Stipulation of Dismissal” (Ex. 1016) in the related litigation, Civil Action No.6:14-cv-982 (E.D. Texas) (Consolidated Lead Case) (“District Court Litigation”). The parties request that Exhibits 1015 and 1016¹ be treated as business confidential information and be kept separate from the underlying files, as provided in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”). *Id.* at 3.

The parties jointly certify that there is no other agreement or understanding between them, including any collateral agreements, made in connection with, or in contemplation of termination of the instant proceeding as set forth in 35 U.S.C. § 317(b). *Id.* at 4-5. The parties have identified all the parties in the District Court Litigation with respect to US Patent 8,868,060 (“’060 patent”). *Id.* at 5–6. The parties have also identified other *inter partes* review proceedings involving the ’060 patent. *Id.* at 6. The status of all pending litigation involving the ’060 patent has been provided. *Id.* at 6.

¹ The parties ask that the “settlement agreement documents” be treated as business confidential information. While the stipulation for dismissal appears to be a publicly available document, we include it as business confidential information. Any third party seeking to review it may have access through the files of the District Court Litigation as identified herein.

We have not yet entered a decision on institution in the proceeding. Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

Accordingly, it is

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

FURTHER ORDERED that that the settlement agreement (Exhibit 1015) and stipulation of dismissal (Exhibit 1016) be treated as business confidential information, be designated “Parties and Board Only,” and both will be kept separate from the files of the involved U.S. Patent No. 8,868,060.

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