

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEC DISPLAY SOLUTIONS OF AMERICA and
NEC DISPLAY SOLUTIONS, LTD,
Petitioner,

v.

CASCADE PROJECTION LLC,
Patent Owner.

Case IPR2015-01843
Patent 7,688,347 B2

Before HOWARD B. BLANKENSHIP, THOMAS L. GIANNETTI, and
ROBERT L. KINDER, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

JUDGMENT
Termination Pursuant to Settlement
37 C.F.R. §§ 42.5, 42.71, 42.73, 42.74

On May 6, 2016, Petitioner and Patent Owner filed an authorized Joint Motion to Terminate. Paper 20. Along with the Motion, the parties filed a copy of their Settlement Agreement, made in connection with the termination of this case, in accordance with 37 C.F.R. § 42.74(b). Paper 19. The parties submitted a joint request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patent at issue, U.S. Patent No. 7,688,347 B2 (“the ’347 patent”), under 37 C.F.R. § 42.74(c). Paper 18. For the reasons set forth below, the Joint Motion to Terminate and the joint requests are granted.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); see 37 C.F.R. § 42.72. In their joint motion to terminate, the parties submit that the Board has not decided the merits of this *inter partes* review, and Patent Owner has not yet submitted its patent owner response to the petition. Paper 20, 2–3. The parties have submitted a joint request to dismiss the suit in the related case *Cascades Projection LLC v. NEC Display Solutions of Am., Inc.*, No. 2:15-cv-00273 (C.D. Cal.), with expectations that the request will be granted. *Id.* at 3–4. Further, the parties note that the ’347 patent is involved in two pending *inter partes* reviews having different petitioners: *Epson America, Inc. v. Cascades Projection LLC*, IPR2015-01206; and *Sony Corp. v. Cascades Projection LLC*, IPR2015-01846.

Upon consideration of the facts before us, we determine that it is appropriate to terminate this case and enter judgment, without rendering a final written decision. See 37 C.F.R. §§ 42.5(a), 42.71(a), 42.73(a), 42.74. We, therefore, grant the Joint Motion to Terminate. Paper 20.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement Agreement treated as business confidential information and kept separate from the files of the '347 patent. Thus, we grant the joint request. Paper 18.

ORDER

For the foregoing reasons, it is:

ORDERED that the joint request that the Settlement Agreement be treated as business confidential information and kept separate Under 37 C.F.R. § 42.74(c) (Paper 18) is *granted*; and

FURTHER ORDERED that the Joint Motion to Terminate (Paper 20) is *granted* and this proceeding is terminated.

IPR2015-01843
Patent 7,688,347 B2

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