

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINEAR TECHNOLOGY CORPORATION,
Petitioner,

v.

IN-DEPTH TEST LLC,
Patent Owner.

Case IPR2015-01998
Patent 6,792,373 B2

Before LINDA M. GAUDETTE, JUSTIN T. ARBES, and
MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. § 42.72

On August 31, 2016, the parties filed a joint motion to terminate the instant proceeding on the basis of a settlement reached by the parties. *See* Paper 19 (“Mot.”); 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement (Ex. 2009) and a request (Paper 18) that the settlement agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The parties’ joint motion to terminate was filed prior to DUE DATES 2–7 in the proceeding, and the Board has not made a final decision on the merits. *See* 35 U.S.C. § 317(a). The parties represent that they have “settled their dispute” regarding the challenged patent and stipulated to dismissal of the pending district court case involving the challenged patent. Mot. 1–3; *see* Ex. 2010. The parties further represent that Exhibit 2009 is a “true unredacted copy” of the settlement agreement, and that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.” Mot. 2. Given these facts, we determine that it is appropriate to terminate the proceeding without rendering a final written decision under 37 C.F.R. § 42.72.

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ joint request (Paper 18) that the settlement agreement (Ex. 2009) be treated as business confidential information, kept separate from the file of U.S. Patent No. 6,792,373 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that the joint motion to terminate the instant proceeding (Paper 19) is *granted* and the proceeding is hereby *terminated*.

IPR2015-01998
Patent 6,792,373 B2

PETITIONER:

Bernard Knight
Kenneth Cheney
McDERMOTT WILL & EMERY
bernieknight@me.com
kcheney@mwe.com

PATENT OWNER:

Joshua S. Wyde
THE LAW OFFICE OF JOSHUA S WYDE
jwyde@wydelegal.com

Daniel J. Noblitt
THE NOBLITT GROUP, PLLC
dnoblitt@ngtechlaw.com