

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMX LLC,

Petitioner,

v.

INTUITIVE BUILDING CONTROLS, INC.,

Patent Owner.

Case IPR2016-00185 (Patent 5,945,993)

Case IPR2016-00186 (Patent 6,118,230)

Case IPR2016-00190 (Patent 6,160,359)¹

Before KEN B. BARRETT, MICHAEL W. KIM, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

DECISION

Dismissing Petition Pursuant to Settlement

37 C.F.R. §§ 42.5, 42.71

¹ This Order addresses the same issue in the above-identified post-grant reviews. Therefore, we issue one Decision to be filed in all three cases. The parties are not authorized to use this style of heading. For the purpose of clarity and expediency, all citations are to IPR2016-00185, as representative, unless otherwise noted.

Case IPR2016-00185 (Patent 5,945,993)
Case IPR2016-00186 (Patent 6,118,230)
Case IPR2016-00190 (Patent 6,160,359)

On March 18, 2016, the parties filed a “Joint Motion to Dismiss Petition and Case Pursuant to Confidential Settlement Agreement Under 37 C.F.R. §§ 42.5, 42.71, 42.72, 42.74” in each of the above-identified cases. Paper 9 (in each above-identified case); “Mot.” The parties concurrently filed a copy of that executed written agreement (Ex. 2002 in each above-identified case) along with a “Joint Request to File Confidential Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74.” Paper 10 (in each above-identified case).

The Joint Motion indicates that “pursuant to their agreement, the Parties have filed a joint stipulation of dismissal with prejudice of the district court litigation between the Parties in connection with the patent at issue,” “the Parties do not foresee any future litigation between them relating to the patent at issue in this case,” and “there are no other petitioners to this case other than AMX LLC.” Mot. 3. Patent Owner has not yet filed a preliminary response in any of the above-identified proceedings, and we have not considered the merits of the Petitions therein. Under these circumstances, we determine that it is appropriate to dismiss the above-identified Petitions. 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).

Accordingly, it is:

ORDERED that the Petition in each of the above-identified proceedings is *dismissed*; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information is *granted*, and Exhibit

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2002 will be kept as confidential business information under 35 U.S.C.

§ 317(b) and 37 C.F.R. § 42.74(c).

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PETITIONER:

Nicole M. Jantzi

nicole.jantzi@ropesgray.com

Ian B. Brooks

Ian.Brooks@ropesgray.com

PATENT OWNER:

Anthony G. Simon

ipteam@simonlawpc.com

Michael P. Kella

mkella@simonlawpc.com