

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

KONINKLIJKE KPN N.V.,
Patent Owner.

Case IPR2016-00392
Patent 6,212,662 B1

Before JONI Y. CHANG, JENNIFER S. BISK, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

HARLOW, *Administrative Patent Judge*.

DECISION
Termination of Proceeding
37 C.F.R. § 42.73

On September 26, 2016, subsequent to our authorization, the parties filed a joint motion to terminate the instant proceeding pursuant to a settlement agreement. Paper 24. The parties also filed a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Ex. 1029. Additionally, the parties submitted a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 25.

The Board instituted the instant *inter partes* review of U.S. Patent No. 6,212,662 B1 (“the ’662 patent”) on July 8, 2016. Paper 12. Neither a Patent Owner response, nor a reply by Petitioner has been filed, and no final hearing has been held.

In their joint motion to terminate, the parties indicate that they have settled their dispute, and reached agreement to terminate the instant proceeding. Paper 24, 2–3. Under the terms of their agreement, the parties also are required to dismiss with prejudice all claims and counterclaims asserted in the related litigation. *Id.*

Upon consideration of the parties’ contentions, we agree with the parties that terminating the instant proceeding with respect to both Petitioner and Patent Owner, at this early juncture, promotes efficiency and minimizes unnecessary costs. Based on the facts of this case, it is appropriate to enter

judgment¹ without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motion to terminate IPR2016-00392 is *granted*;

FURTHER ORDERED that the instant proceeding is hereby *terminated* as to all parties, including Petitioner and Patent Owner; and

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

¹ A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

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PETITIONER:

Eliot D. Williams
Neil Sirota
Eric Faragi
BAKER BOTTS L.L.P.
Eliot.Williams@bakerbotts.com
Neil.Sirota@bakerbotts.com
eric.faragi@bakerbotts.com

PATENT OWNER:

Lawrence P. Cogswell III, Ph.D.
Timothy J. Meagher
HAMILTON BROOK SMITH REYNOLDS P.C.
lpc@hbsr.com
timothy.meagher@hbsr.com