

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC. and AMAZON WEB SERVICES, INC.,
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

Case IPR2017-01111
Patent 8,284,844 B2

Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION
Termination of Trial
35 U.S.C. § 317, 37 C.F.R. §§ 42.72 and 42.74

I. DISCUSSION

On September 6, 2017, we instituted *inter partes* review with respect to the challenged claims of U.S. Patent No. 8,284,844 B2 (Ex. 1001, “the ’844 patent”). Paper 11. Thus, this review is at a very early stage, and we have not yet reached the deadline for filing the Patent Owner Response. See Paper 12.

On October 25, 2017, after receiving our authorization, the parties filed a Joint Motion to Terminate this proceeding (Paper 13) pursuant to a written agreement, as well as a Joint Request (Paper 14) to have the agreement treated as business confidential information under 37 C.F.R. § 42.74(c). See also 35 U.S.C. § 317(b). The parties also filed a true copy of their written agreement. Ex. 1010. In the Joint Motion to Terminate, the parties represent that they have settled all of their disputes regarding the ’844 patent, both here and before the U.S. District Court for the Central District of California. Paper 13.

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Further, under 35 U.S.C. § 317(b),

[a]ny agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an *inter partes* review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination.

As the parties have filed their written agreement and jointly requested termination, we determine that it is appropriate to terminate this proceeding without rendering a final written decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–14 of the '844 patent, which are all the claims on which trial has been instituted (Paper 11). *See* 35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74.

II. ORDER¹

Accordingly, it is:

ORDERED that the parties' Joint Request that their agreement (Ex. 1013) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the parties' Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

¹ As a result of termination of this proceeding, the pending Motion for Joinder filed in IPR2018-00013 (Paper 6) is moot. A separate order dismissing that motion will be entered in due course.

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PETITIONER

Joseph F. Edell
Fisch Sigler LLP
5301 Wisconsin Avenue NW, Fourth Floor
Washington, DC 20015
Joe.Edell.IPR@fischllp.com

PATENT OWNER

Jason S. Angell
Freitas Angell & Weinberg LLP
350 Marine Parkway, Suite 200
Redwood Shores, CA 94065
jangell@fawlaw.com