

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD.,
Patent Owner.

Case IPR2017-01816
Patent 5,870,087

Before PATRICK R. SCANLON, BARBARA A. PARVIS, and
MINN CHUNG, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Motion to Dismiss
37 C.F.R. §§ 42.71(a), 42.74

On October 25, 2017, the parties filed a Joint Motion to Dismiss, accompanied by a true copy of a written agreement settling the parties' disputes regarding U.S. Patent No. 5,870,087 ("the '087 patent"). Paper 9; Ex. 1016. The parties also filed a Joint Request to have their agreement treated as business confidential information under 37 C.F.R. § 42.74(c). Paper 10.

The Motion represents that the parties "have reached an agreement to settle all of their disputes concerning the '087 patent." Paper 9, 3. The parties further represent that Exhibit 1016 is the only agreement made in connection with the dismissal of this proceeding, and there are no collateral agreements made in connection with, or in contemplation of, the dismissal of the proceeding. *Id.* at 3–4.

This proceeding is still in a preliminary stage. Patent Owner has not filed a preliminary response, and we have not considered the merits of the Petition. Furthermore, the parties are jointly requesting dismissal. *Id.* at 2. Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a) (authorizing the Board to dismiss a petition). We also grant the parties' request to have their agreement treated as business confidential information pursuant to 37 C.F.R. § 42.74(c).

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Dismiss is *granted*;

FURTHER ORDERED that the Petition is *dismissed* and this proceeding is *terminated* as to all parties; and

FURTHER ORDERED that the parties' Joint Request that their agreement (Ex. 1016) be treated as business confidential information under 37 C.F.R. § 42.74(c) is *granted*.

IPR2017-01816
Patent 5,870,087

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