

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MEC RESOURCES, LLC,
Patent Owner.

Case IPR2018-00286
Patent 6,137,390

Before KALYAN K. DESHPANDE, TREVOR M. JEFFERSON,
and ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Terminate Proceeding and
Granting Joint Request to Treat Settlement Agreement
as Business Confidential
37 C.F.R. §§ 42.72, 42.74

On April 13, 2018, the Board authorized Apple Inc. (“Petitioner”) and MEC Resources, LLC (“Patent Owner”) to file a joint motion to terminate this proceeding. On April 18, 2018, the parties filed a Joint Motion to Terminate Proceeding. Paper 16 (“Joint Motion” or “Joint Mot.”). The parties also filed a copy of their settlement agreement covering Patent No. 6,137,390. Ex. 2022 (“Agreement”). The parties represent that the filed copy of the Agreement is a true and correct copy. Joint Mot. 4. The parties additionally filed a Joint Request to Treat Settlement Agreement as Business Confidential and requested that the Agreement be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 17 (“Joint Request”), 2.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. Here, the proceeding is still in its early stages, as Patent Owner has not filed a preliminary response, and the Board has not issued a decision on institution. The parties indicate that, pursuant to the Agreement, they have settled their dispute regarding U.S. Patent No. 6,137,390 in this proceeding, as well as in the related litigation in the Northern District of California (Case No. 3:17-cv-05457, captioned *MEC Resources, LLC v. Apple Inc.*). Joint Mot. 3. The parties further indicate that a Joint Statement of Dismissal was filed in the District Court case on April 5, 2018. *Id.* Under these circumstances, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. §§ 42.5(a), 42.72. We also determine that it is appropriate to treat the Agreement as business

confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion is *granted*;

FURTHER ORDERED that this proceeding is terminated as to all parties;

FURTHER ORDERED that the Joint Request to treat the Agreement (Ex. 2022) as business confidential information to be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that Patent Owner's Motion to Dismiss (Paper 7) and Petitioner's Motion for Additional Discovery (Paper 14) are *dismissed* as moot.

Case IPR2018-00286

Patent 6,137,390

PETITIONER:

David Odell

david.odell.ipr@haynesboone.com

Andrew Ehmke

andy.ehmke.ipr@haynesboone.com

Gregory Huh

gregory.huh.ipr@haynesboone.com

PATENT OWNER:

Robert Katz

rkatz@katzfirm.com

Lewis Hudnell, III

lewis@hudnelllaw.com