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Paper No. 9
Entered: April 12, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER INC. and
ASUS COMPUTER INTERNATIONAL,
Petitioner,

v.

MAXELL, LTD.,
Patent Owner.

Case IPR2019-00070
Patent 6,973,334 B2

Before LYNNE E. PETTIGREW, TERRENCE W. McMILLIN, and JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

DECISION
Granting the Parties' Joint Motion to Terminate
37 C.F.R. §§ 42.71(a) and 42.74

I. DISCUSSION

On April 11, 2019, the parties filed the following: (1) a Joint Motion to Terminate (Paper 7); (2) a true copy of the parties' settlement agreement (Ex. 1100); and (3) a joint request to treat the settlement agreement as business confidential information (Paper 8).

This proceeding is still in its preliminary stages. Petitioner filed a Petition requesting an *inter partes* review of claims 1 and 4 of U.S. Patent No. 6,973,334 B2 (Ex. 1001, "the '334 patent"). Paper 2. Patent Owner filed a Preliminary Response. Paper 6. We have not entered a decision on whether to institute an *inter partes* review.

In the Joint Motion to Terminate, the parties indicate that they have settled all their disputes regarding the '334 patent. Paper 7, 3. The parties represent that the settlement encompasses this proceeding and the co-pending district court case where Patent Owner asserted the '334 patent against Petitioner. *Id*. The parties also state that the settlement agreement filed as Exhibit 1100 "represents all agreements made in connection with, or in contemplation of, the termination of this proceeding." *Id*. at 4–5. Under these particular circumstances, we determine that it is appropriate to dismiss the Petition without rendering any further decisions, thereby terminating this proceeding. *See* 37 C.F.R. § 42.71(a). We also have reviewed the settlement agreement, and we determine that good cause exists to treat the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c).

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Exhibit 1100) as business confidential information under 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the parties' Joint Motion to Terminate is *granted*, and the Petition is dismissed resulting in termination of this proceeding.

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