

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

TOSHIYASU ABE,
Patent Owner.

Case IPR2019-00265
Patent 6,520,699 B2

Before DONNA M. PRAISS, JO-ANNE M. KOKOSKI, and
KRISTINA M. KALAN, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

SETTLEMENT
Dismissing the Petition
37 C.F.R. §§ 42.5(a) and 42.71(a)

On April 9, 2019, with Board authorization, the parties filed a joint motion to terminate this proceeding (Paper 6), along with what the parties indicate is a copy of their written settlement agreement (Ex. 1017). On the same day, the parties also filed a joint motion requesting that the settlement agreement be treated as confidential information and kept separate from the file of U.S. Patent No. 6,520,699 B2. Paper 7.

The instant proceeding is in the early stages, and a decision on whether to institute trial has not been made. The parties represent “there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding.” Paper 6, 1. The parties also represent that the settlement agreement “ends all disputes between the parties, including their dispute relating to the patent at issue in this proceeding.” *Id.* at 2. Under these circumstances, it is appropriate to dismiss the Petition for *Inter Partes* Review.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial.” The parties filed what they indicate is “a true copy of the agreement between Apple and Mr. Abe.” Paper 7, 1. As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent file. 37 C.F.R. § 42.74(c).

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the parties' joint request that the settlement agreement (Ex. 1017) be treated as business confidential information (Paper 7) is *granted*;

FURTHER ORDERED that the joint motion to terminate the proceeding (Paper 6) is *granted*; and

FURTHER ORDERED that the Petition in this proceeding is hereby *dismissed*.

PETITIONER:

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