Trials@uspto.gov
571-272-7822

Paper No. 10
Entered: April 3, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC,
Patent Owner.

Case IPR2019-00411
Patent 8,213,970 B2

Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and KEVIN C. TROCK, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Dismiss
37 C.F.R. § 42.71(a)
Granting Request to Treat Settlement Document
as Confidential Business Information
35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c)

On March 22, 2019, pursuant to 37 C.F.R. § 42.71(a), the parties filed a Joint Motion to Dismiss the Petition. Paper 7 ("Joint Motion"). Accompanying the Joint Motion, the parties filed what they assert is a true and correct copy of a settlement agreement along with a Joint Request to Treat Settlement Agreement as Business Confidential, to be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8 ("Joint Request"); Ex. 1022 ("Settlement Agreement"). We authorized the filing of these papers in an email sent on March 20, 2019.

The instant proceeding is still in the preliminary stages, as we have not yet entered a decision on institution. Under these circumstances, Petitioner has demonstrated that dismissal of its petition is warranted, and we grant the parties' Joint Motion and Joint Request. *See* 37 C.F.R. § 42.71(a) (authorizing the Board to dismiss a petition).

Accordingly, it is:

ORDERED that the parties' Joint Motion to Dismiss the Petition is *granted* and the petition is *dismissed*;

FURTHER ORDERED that the parties' Joint Request to Treat Settlement Agreement as Business Confidential is *granted*; and

FURTHER ORDERED that the Settlement Agreement, Ex. 1022, shall be treated as business confidential information and kept separate from the patent file, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

IPR2019-00411
Patent 8,213,970 B2

PETITIONER:

Matthew J. Moore
Robert Steinberg
Jonathan M. Strang
Lisa K. Nguyen
David A. Zucker
LATHAM & WATKINS LLP
matthew.moore@lw.com
bob.steinberg@lw.com
jonathan.strang@lw.com
lisa.nguyen@lw.com
david.zucker@lw.com

PATENT OWNER:

Vincent J. Rubino, III
Peter Lambrianakos
Enrique W. Iturralde
BROWN RUDNICK LLP
vrubino@brownrudnick.com
plambrianakos@brownrudnick.com
eiturralde@brownrudnick.com