

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRONTIER COMMUNICATIONS CORPORATION,
Petitioner,

v.

SPRINT COMMUNICATIONS COMPANY L.P.,
Patent Owner.

IPR2019-00853 (Patent 6,999,463 B2)
IPR2019-00854 (Patent 7,324,534 B2)

Before WILLIAM V. SAINDON, BRIAN J. McNAMARA, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively "the Parties") filed Joint Motions to Terminate the above-identified proceedings. Paper 15¹ ("Joint Motion"). In support of the Joint Motions the Parties filed copies of (i) a Covenant Not to Sue (Ex. 2012, "Covenant") and (ii) a Joint Stipulation and [Proposed] Order of Partial Dismissal that was filed in the Parties' litigation in District Court of Delaware Case C.A. No. 18-536-RGA. Ex. 2011.

II. DISCUSSION

Under 35 U.S.C. § 317(a), "[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the Parties represent that they have resolved their dispute with respect to the subject patent as reflected in the Covenant and Joint Stipulation and that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding. Paper 15, 1.

We instituted a trial on the above-identified proceedings on October 15, 2019. Paper 7. We have not yet decided the merits of the proceedings nor entered a final written decisions. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown

¹ We refer to Papers and Exhibits in IPR2019-00853. Similar Papers and Exhibits were filed in IPR2019-00854.

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adequately that the termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings.

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

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Parties' Joint Motions to Terminate IPR2019-00853 and IPR2019-00854 are *granted*, and IPR2019-00853 and IPR2019-00854 are terminated pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72.

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