

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORP.,
Petitioner

v.

FACEBOOK, INC.,
Patent Owner

Case IPR2019-01597 (Patent 6,744,759 B1)
Case IPR2019-01598 (Patent 7,302,698 B1)

Before MIRIAM L. QUINN, SCOTT C. MOORE, and JASON M. REPKO,
Administrative Patent Judges.

REPKO, *Administrative Patent Judge.*

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

Petitioner, Blackberry Corp., and Patent Owner, Facebook Inc., jointly request to terminate the above-captioned cases. IPR2019-01597, Paper 18; IPR2019-01598, Paper 15 (“Motions”).¹ With the Motions, the parties filed what they indicate is a true and correct copy of a written settlement agreement. IPR2019-01597, Ex. 1023; IPR2019-01598, Ex. 1013 (“Settlement Agreement”). The parties also filed a joint request to have the Settlement Agreement treated as business confidential information under 37 C.F.R. § 42.74(c). IPR2019-01597, Paper 19; IPR2019-01598, Paper 16.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide 86 (Nov. 20, 2019), <http://www.uspto.gov/TrialPracticeGuideConsolidated> (citing 35 U.S.C. §§ 317(a), 327). Here, we have not decided the merits of these proceedings, and the parties represent that “the settlement agreement completely resolves the dispute between the parties with respect to the” patents challenged in each proceeding. IPR2019-01597, Paper 18, 3; IPR2019-01598, Paper 15, 3. Under the circumstances, it is appropriate to terminate these proceedings. *See* 37 C.F.R. § 42.71(a).

We have reviewed the Settlement Agreement between Petitioner and Patent Owner. Because the Settlement Agreement contains business confidential information about the settlement terms, it is appropriate to treat the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c).

¹ The parties filed substantially the same motion in both cases.

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

ORDER

It is

ORDERED that the joint motions to terminate in IPR2019-01597 and IPR2019-01598 are *granted*;

FURTHER ORDERED that the proceedings are *terminated*; and

FURTHER ORDERED that the joint requests that the Settlement Agreement (IPR2019-01597, Ex. 1023; IPR2019-01598, Ex. 1013) be treated as business confidential information, to be kept separate from the patent files under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*.

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For PETITIONER:

Robert C. Mattson
MATTSON IP PLC
rmattson@mattsonip.com

Timothy Maier
Christopher Maier
MAIER & MAIER, PLLC
tjm@maierandmaier.com
cjm@maierandmaier.com

For PATENT OWNER:

Heidi L. Keefe
Andrew C. Mace
Ben Lin
COOLEY LLP
hkeefe@cooley.com
amace@cooley.com
blin@cooley.com