

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION
Petitioner

v.

STRAIGHT PATH IP GROUP, INC.
Patent Owner

Case IPR2014-00229 (Patent 6,131,121)
Case IPR2014-00230 (Patent 6,108,704)
Case IPR2014-00231 (Patent 6,009,469)¹

Before BRYAN F. MOORE, MIRIAM L. QUINN, and STACEY G. WHITE,
Administrative Patent Judges.

WHITE, *Administrative Patent Judge.*

ORDER
Motion to Terminate
37 C.F.R. § 42.72

¹ This Order addresses scheduling that is identical in the listed cases. We exercise our discretion to issue a single paper to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

On April 28, 2014, the parties filed joint motions to terminate the trial in each of the instant proceedings under 35 U.S.C. § 317(a).² Along with the motions, the parties filed copies of a document they describe as the written settlement agreement,³ as well as separate joint requests to treat the settlement agreement as business confidential information under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).⁴ As the motions and exhibits in all three proceedings are substantially similar, we refer herein to the papers filed in IPR2014-00229 for convenience.

The instant proceedings are in the preliminary stage. Patent Owner has filed preliminary responses in each of the instant proceedings.⁵ The Board, however, has not determined whether trial will be instituted for any of the requests for *inter partes* review.

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” In the motions to terminate, the parties state that they have settled their dispute with respect to the patents involved in the proceedings, and have reached agreement to terminate these proceedings. Paper 9, 1. Furthermore, the joint motion indicates that the parties have agreed to dismiss Petitioner and other real parties-in-interest identified by

2 IPR2014-00229, Paper 9; IPR2014-00230, Paper 10, IPR2014-00231, Paper 9.

3 IPR2014-00229, Ex. 1047; IPR2014-00230, Ex. 1047, IPR2014-00231, Ex. 1047.

4 IPR2014-00229, Paper 10; IPR2014-00230, Paper 11, IPR2014-00231, Paper 10.

5 IPR2014-00229, Paper 7; IPR2014-00230, Paper 8; IPR2014-00231, Paper 7.

Cases IPR2014-00229, -230, -231
Patents 6,131,121, 6,108,704, 6,009,464

Petitioner as respondents in *Certain Point-to-Point Network Communication Devices and Products Containing Same*, Inv. No. 337-TA-892 (U.S.I.T.C.) and *Straight Path IP Group, Inc. v. Sony Corp.*, No. 1:13-cv-01071-AJT (E.D. Va.). Paper 9, 1-2. The parties argue that no other petitioner would remain in the instant proceedings, and that termination of these proceedings promotes judicial economy and furthers the policy of the Board. *Id.*

The Board generally expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Upon consideration of the parties' arguments and the early stage of these proceedings, we agree with the parties that terminating the instant proceedings with respect to both Petitioner and Patent Owner, at this early juncture, promotes efficiency and minimizes unnecessary costs. The Board is persuaded that, under these circumstances, it is appropriate to enter judgment⁶ without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motions to terminate these proceedings are *granted*, and that these proceedings are hereby terminated as to all parties, including Petitioner and Patent Owner;

FURTHER ORDERED that the parties' joint requests that the settlement agreement (Ex. 1047) be treated as business confidential information, kept separate from the file of the involved patents, and made available only to Federal

⁶ A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

Cases IPR2014-00229, -230, -231
Patents 6,131,121, 6,108,704, 6,009,464

Government agencies on written request, or to any person on a showing of good cause under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*.

Cases IPR2014-00229, -230, -231
Patents 6,131,121, 6,108,704, 6,009,464

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