

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*.

QUINN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

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.

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

On April 28, 2014, a telephone conference call was held between respective counsel for the parties and Judges Quinn, Moore, and White. The parties sought authorization to file a joint motion to terminate the instant proceedings on the basis that the parties have reached a settlement.

The petitions for *inter partes* review were filed on December 5, 2013. Patent owner preliminary responses were filed on March 21, 2014. The Board has not determined yet whether a trial will be instituted. Generally, the Board 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). The rule governing settlement indicates that any agreement between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and filed with the Board. 37 C.F.R. § 42.74.

Based on the facts of this case, the Board authorizes the parties to file a joint motion to terminate these proceedings. The joint motion must include a brief explanation as to why termination is appropriate. The joint motion to terminate also must be accompanied by *a true copy* of the parties' settlement agreement, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement.

With respect to having the settlement agreement treated as business confidential information under 37 C.F.R. § 42.74(c), the parties must file the confidential settlement agreement electronically in the Patent Review Processing System ("PRPS") as an exhibit in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"). The parties are directed to FAQ G2 on the Board's website at

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<http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential.

Accordingly, it is

ORDERED that the parties are authorized to file a joint motion to terminate each of these proceedings; the due date for the joint motion is May 5, 2014;

FURTHER ORDERED that each of the joint motions must be accompanied by a true copy of the parties' settlement agreement in connection with the termination of these proceedings, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b);

FURTHER ORDERED that the parties may file in each proceeding a separate paper requesting that the settlement agreement be treated as business confidential information as specified in 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that any confidential settlement agreement must be filed, as an exhibit, electronically in PRPS in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only").

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

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