

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IRON DOME LLC,  
Petitioner,

v.

E-WATCH, INC.,  
Patent Owner.

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Case IPR2014-00439  
Patent 7,365,871 B2

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Before JAMESON LEE, GREGG I. ANDERSON, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

On February 23, 2015, a telephone conference call was held between respective counsel for the parties and Judges Lee, Anderson, and Clements. The parties sought authorization to file a joint motion to terminate this proceeding on the basis that the parties have settled. During the conference call, the parties also indicated that they will file their settlement agreement and a request to have the settlement agreement treated as business confidential information under 37 C.F.R. § 42.74(c).

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. 48756, 48768 (Aug. 14, 2012). Any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy of the agreement shall be filed with the Board prior to termination. 37 C.F.R. § 42.74(b).

The joint motion to terminate should include: (1) a brief explanation as to why termination as to all parties is appropriate; and (2) the identity of all parties in any related district court case involving the patent at issue in this proceeding and the status of such cases.

The joint motion to terminate must be accompanied by **a true copy** of the fully executed settlement agreement in connection with the termination of that proceeding, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version of the settlement agreement is not 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 via the Patent Review

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Processing System (PRPS). The request to have the settlement agreement treated as business confidential information should be in a submission separate from the Joint Motion to Terminate.

Accordingly, it is:

ORDERED that the parties are authorized to file a Joint Motion to Terminate Proceeding on the basis that the parties have settled;

FURTHER ORDERED that the joint motion is due on March 5, 2015, limited to seven pages;

FURTHER ORDERED that the joint motion must be accompanied by a true copy, labeled as an exhibit, of the settlement agreement as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b) (upload as “Board Only”); and

FURTHER ORDERED that the parties may file a separate joint motion, by March 5, 2015, requesting that the settlement agreement be treated as business confidential information as specified by 37 C.F.R. § 42.74(c).

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