

[Trials@uspto.gov](mailto:Trials@uspto.gov)

571-272-7822

Entered: September 15, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,  
Petitioner,

v.

ZOND, LLC,  
Patent Owner.

Cases IPR2014-00520  
IPR2014-00521  
IPR2014-00522  
IPR2014-00523  
Patent 7,604,716 B2<sup>1</sup>

Before KEVIN F. TURNER, DEBRA K. STEPHENS, JONI Y. CHANG,  
SUSAN L.C. MITCHELL, and JENNIFER M. MEYER,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

JUDGMENT  
Termination of Proceeding before Institution  
37 C.F.R. § 42.73

---

<sup>1</sup> This Decision addresses the same issue in the above-identified cases.  
Therefore, we issue one Decision to be entered in all cases. The parties may  
not use this style of filing in subsequent papers, without prior authorization.

On September 12, 2014, Petitioner, Intel Corporation (“Intel”), and Patent Owner, Zond, LLC (“Zond”), filed a Joint Motion to Terminate in each of the above-identified proceedings, involving of U.S. Patent No. 7,604,716 B2 (“the ’716 patent”). Paper 7.<sup>2</sup> The parties also filed a true copy of their Written Settlement Agreement, made in connection with the termination of the proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Ex. 1023.<sup>3</sup> Additionally, the parties submitted a Joint Request to have their Written Settlement Agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 7, 9. For the reasons set forth below, the Joint Motions to Terminate and the Joint Request are *granted*.

In their Joint Motions to Terminate, the parties indicate that they have settled all of their disputes involving the following patents: U.S. Patent Nos. 6,805,779 B2, 6,806,652 B1, 6,853,142 B2, 7,147,759 B2, 7,604,716 B2, 7,808,184 B2, and 7,811,421 B2. *Id.* at 1. In particular, the parties have agreed to settle and dismiss their related district court litigation, *Zond, LLC v. Intel Corp.*, No.1:13-cv-11570-RGS (D. Mass.). *Id.* More importantly, the parties also have submitted Motions to Terminate all other *inter partes* reviews requested by Intel for the aforementioned patents. The proceedings, involving those patents, are listed in the Appendix of this Decision.

---

<sup>2</sup> For the purpose of clarity and expediency, we treat IPR2014-00520 as representative, and all citations are to IPR2014-00520 unless otherwise noted.

<sup>3</sup> As authorized by the Board’s previous Order, the parties filed one copy of their Written Settlement Agreement in IPR2014-00520 for all the above-identified proceedings.

Intel filed a Petition and, in response, Zond filed a Preliminary Response in each of the above-identified proceedings. However, we have not determined yet the merits of the proceedings—specifically, whether an *inter partes* review of the ’716 patent should be instituted.

Zond urges the Board to terminate the above-identified proceedings with respect to both parties, because concluding the proceedings, at this early stage, would promote efficiency and reduce cost, consistent with the legislative intent. Paper 7, 5–8 (citing 154 Cong. Rec. S9987 (daily ed. Sept. 27, 2008) (statement of Sen. Kyl); 157 Cong. Rec. S1376 (daily ed. Mar. 8, 2001) (statement of Sen. Kyl)). Zond contends that terminating the proceedings upon settlement would “establish a more efficient and streamlined patent system that, *inter alia*, limits unnecessary and counterproductive litigation cost,” and “foster[] an environment that promotes settlements, thereby creating a timely, cost-effective alternative to litigation.” *Id.* at 5–6.

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). As no trial has been instituted based on Intel’s Petitions involving the ’716 patent, each of the proceedings is in the preliminary proceeding stage.<sup>4</sup> Upon consideration of the facts before us, we determine that it is appropriate to terminate the above-identified proceedings as to both parties, and enter judgment.

---

<sup>4</sup> A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

For the foregoing reasons, it is:

ORDERED that the Joint Motions to Terminate the above-identified *inter partes* reviews are *granted*;

FURTHER ORDERED that the above-identified proceedings are *terminated* as to all parties—namely, Intel and Zond; and

FURTHER ORDERED that the parties' Joint Request that their Written Settlement Agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

For PETITIONER:

Richard Goldenberg  
[Richard.Goldenberg@wilmerhale.com](mailto:Richard.Goldenberg@wilmerhale.com)

David L. Cavanaugh  
[David.Cavanaugh@wilmerhale.com](mailto:David.Cavanaugh@wilmerhale.com)

For PATENT OWNER:

Gregory J. Gonsalves  
[gonsalves@gonsalveslawfirm.com](mailto:gonsalves@gonsalveslawfirm.com)

Bruce J. Barker  
[bbarker@chsblaw.com](mailto:bbarker@chsblaw.com)

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

### E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.