

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC.,
HYUNDAI MOTOR COMPANY,
Petitioners,

v.

AMERICAN VEHICULAR SCIENCES LLC,
Patent Owner.

Case IPR2014-00634
Case IPR2014-01543
Patent 6,738,697 B2

Before JAMESON LEE, BARBARA A. PARVIS, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Termination of Proceeding
37 C.F.R. § 42.72

On December 8, 2014, Petitioners and Patent Owner filed a Joint Motion to Terminate Proceeding, pursuant to 35 U.S.C. § 317, with respect to both Petitioners (“Honda and Hyundai”) and Patent Owner (“AVS”). Paper 19.

On December 8, American Honda Motor Co., Inc. and AVS filed a copy of their written settlement agreement (Ex. 2001) covering U.S. Patent No. 6,738,697

(“the ’697 patent”) involved in this *inter partes* review, and a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 20).

On December 8, Hyundai Motor Company and AVS filed a copy of their written settlement agreement (Ex. 2002) covering the ’697 patent involved in this *inter partes* review, and a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 21).

The parties collectively represent that there are no collateral agreements referred to in their settlement agreement. Paper 19, 2.

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.” The requirement for terminating review with respect to Petitioners, Honda and Hyundai, is met.

Under 35 U.S.C. § 317(a), “If no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” Honda and Hyundai are the only petitioners in this consolidated review. The Board has discretion to terminate this review with respect to AVS as Patent Owner. On this record, there is no pending motion by any third party for joinder with this *inter partes* review.

AVS has not yet filed a Patent Owner Response in this consolidated proceeding. As of the date of filing of the Joint Motion to Terminate Proceeding, no cross-examination of witnesses had taken place. Paper 19, 1. AVS indicates

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that if this proceeding is not terminated as to AVS, it will, nonetheless, still not participate in any way in the continued review. Paper 19, 2. The parties indicate that in each related civil action involving the '697 patent, all claims pertaining to the '697 patent will be dismissed with prejudice. Paper 19, 3–4. The Board determines that in these circumstances it is appropriate to terminate review as to all parties including Honda and Hyundai, and AVS, without rendering a final written decision *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

It is

ORDERED that the joint motion to terminate this consolidated proceeding IPR2014-00634 and IPR2014-01543, without rendering a final written decision, is *granted*, and that this *inter partes* review is hereby terminated as to all parties including Honda and Hyundai as Petitioners and AVS as the Patent Owner;

FURTHER ORDERED that the request to treat the settlement agreement between AVS and American Honda Motor Co., Inc. (Ex. 2001) treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the request to treat the settlement agreement between AVS and Hyundai Motor Company (Ex. 2002) treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

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