

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU NETWORK COMMUNICATIONS, INC.
Petitioner

v.

THOMAS SWAN & CO., LTD
Patent Owner

Case IPR2014-01381 (Patent 8,335,033)
Case IPR2014-01382 (Patent 8,089,683)
Case IPR2014-01383 (Patent 7,145,710)
Case IPR2014-01384 (Patent 7,664,395)¹

Before GLENN J. PERRY, MICHELLE R. OSINSKI, SCOTT A.
DANIELS, and BARBARA A. PARVIS, *Administrative Patent Judges*

PERRY, *Administrative Patent Judge*

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On October 28, 2014, the parties filed joint motions² to terminate each of the above-captioned proceedings, along with a true copy of their written

¹ This order deals with issues common to four cases. The parties are not authorized to use a joint caption and must file documents separately in each case.

Cases IPR2014-01381, -01382, -01383, and -01384
Patents 8,335,033, 8,089,683, 7,145,710, and 7,664,395

settlement agreement³, made in connection with the termination of these proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R.

§ 42.74(b). The joint motions to terminate indicate that the settlement agreement requires the parties to terminate all disputes, including related matters and litigation involving the U.S. Patents that are the subject of these proceedings and related District Court litigation. The motions also request that the Settlement Agreement be maintained as business confidential information under 37 C.F.R. § 42.74(c).

The Board has not yet instituted trial. At this preliminary stage of the proceedings, the Board does not have before it full briefing on the trial issues and the Board has not entered a final decision.

Based on the facts of this case, it is appropriate to enter judgment⁴ without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

² IPR2014-01381, Paper 7; IPR2014-01382, Paper 9; IPR2014-01383, Paper 9; IPR2014-01384, Paper 9.

³ IPR2014-01381, Exhibit 2001; IPR2014-01382, Exhibit 2001; IPR2014-01383, Exhibit 2001; IPR2014-01384, Exhibit 2001.

⁴ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

Cases IPR2014-01381, -01382, -01383, and -01384
Patents 8,335,033, 8,089,683, 7,145,710, and 7,664,395

ORDER

It is

ORDERED that the joint motions to terminate the captioned proceedings are granted;

FURTHER ORDERED that the proceedings are terminated; and

FURTHER ORDERED that the parties' joint request that the 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.

Cases IPR2014-01381, -01382, -01383, and -01384
Patents 8,335,033, 8,089,683, 7,145,710, and 7,664,395

For PETITIONER:

Christopher E. Calsen
Nathaniel T. Browand
Suraj Balusu
Milbank, Tweed, Hadley & McCoy LLP
NBrowand@milbank.com
cchalsen@milbank.com
sbalusu@milbank.com

For PATENT OWNER

Marc M. Wefers
Karl Renner
Fish & Richardson P.C.
Wefers@fr.com
IPR28733-0005IP2@fr.com