

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC, LG ELECTRONICS U.S.A., INC.,
LG ELECTRONICS MOBILECOMM U.S.A., INC,
MICROSOFT MOBILE OY, MICROSOFT CORPORATION,
NOKIA INC, SONY CORPORATION,
SONY MOBILE COMMUNICATIONS (USA) INC.,
SONY MOBILE COMMUNICATIONS AB,
SONY MOBILE COMMUNICATIONS INC.,
SHARP CORPORATION,
and SHARP ELECTRONICS CORPORATION,
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00404 (Patent 7,365,871)¹
Case IPR2015-00408 (Patent 7,643,168)

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

CLEMENTS, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
37 C.F.R. § 42.72

¹ This order addresses issues that are the same in all cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2015-00404 (Patent 7,365,871)

IPR2015-00408 (Patent 7,643,168)

On January 23, 2015, Microsoft Mobile OY, Microsoft Corporation, Nokia Inc. (collectively, the “Microsoft/Nokia entities”) and e-Watch, Inc. (“Patent Owner”) filed a joint motion to terminate the trial proceedings as to a subset of Petitioner, i.e., Microsoft/Nokia entities, under 35 U.S.C. § 317(a). Paper 7.² Along with the motion, the Microsoft/Nokia entities and Patent Owner filed a Joint Request to Treat Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c) (Paper 8), and filed copy of a document they described as the written settlement agreement (Exhibit 2001).

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 parties state in their Joint Motion to Terminate that:

Termination of this proceeding as to the Microsoft/Nokia parties is appropriate, as the Parties have agreed to settle their dispute. Moreover, this review is in its early stages. MMO jointly filed a petition with LG Electronics, Inc. (“LGE”) for IPR on December 10, 2014, which included the designation of the Microsoft/Nokia parties as real parties in interest. e-Watch has yet to file a Preliminary Patent Owner Response and the IPR has yet to be instituted. As a result, e-Watch has not filed any substantive papers or declarations.

Paper 7, 2. In addition, the other real parties-in-interest identified as Petitioner did not object to the requested termination. Because we have not yet decided the merits of the proceeding, it is appropriate to terminate this proceeding with respect to the Microsoft/Nokia entities. 37 C.F.R. § 42.72.

² Citations are to IPR2015-00404 unless otherwise noted. Equivalent papers were filed in IPR2015-00408.

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ORDER

Accordingly, it is:

ORDERED that the joint motion to terminate the involvement of Microsoft Mobile OY, Microsoft Corporation, and Nokia Inc. is *granted*; and

FURTHER ORDERED that the joint request that the settlement agreement (Exhibit 2001) be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

IPR2015-00404 (Patent 7,365,871)

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