

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.  
and SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioner,

v.

E-WATCH, INC.,  
Patent Owner.

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IPR2015-00607 (Patent 7,643,168 B2)  
IPR2015-00610 (Patent 7,365,871 B2)<sup>1</sup>

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

CLEMENTS, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate  
*35 U.S.C. § 317; 37 C.F.R. § 42.74*

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<sup>1</sup> 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.

IPR2015-00607 (Patent 7,643,168 B2)

IPR2015-00610 (Patent 7,365,871 B2)

On September 17, 2015, Petitioner Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Petitioner”) and Patent Owner e-Watch, Inc. and e-Watch Corporation (“Patent Owner”) filed a “Joint Motion to Terminate” based on a settlement agreement that resolves the parties’ disputes related to the challenged patents. Paper 9.<sup>2</sup> The parties concurrently filed a copy of the settlement agreement between Petitioner and Patent Owner (Ex. 1017) and a “Joint Request to Treat the Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)” (Paper 10). *See* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

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.”

These proceedings are in their early stages. For example, Patent Owner has not filed a Patent Owner Response. As a result, we have not yet decided the merits of this proceeding. Under these circumstances, we determine that it is appropriate to terminate this proceeding as to both Petitioners and Patent Owner without rendering a final written decision. *See* 37 C.F.R. §§ 42.72, 42.74.

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<sup>2</sup> Citations are to the filings in IPR2015-00607, unless otherwise noted.

IPR2015-00607 (Patent 7,643,168 B2)

IPR2015-00610 (Patent 7,365,871 B2)

## ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted*; and

FURTHER ORDERED that the settlement agreements (Exhibit 1017 in IPR2015-0607 and Exhibit 1012 in IPR2015-00610) be treated as business confidential information and be kept separate from the files of the involved U.S. Patent Nos. 7,635,871 B2 and 7,643,168 B2.

IPR2015-00607 (Patent 7,643,168 B2)

IPR2015-00610 (Patent 7,365,871 B2)

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