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Paper No. 17
Entered: June 15, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. and TWITTER, INC.,
Petitioner,

v.

SUMMIT 6 LLC,
Patent Owner.

Case IPR2015-00687
Patent 7,765,482 B2

Before HOWARD B. BLANKENSHIP, GEORGIANNA W. BRADEN, and KERRY BEGLEY, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

JUDGMENT
Termination Pursuant to Settlement
37 C.F.R. §§ 42.5, 42.71, 42.73, 42.74

On June 10, 2015, Petitioners Apple Inc. ("Apple") and Twitter, Inc. ("Twitter") (collectively, "Petitioner") and Patent Owner Summit 6 LLC ("Summit 6") filed a Joint Motion to Terminate. Paper 15. Along with the motion, the parties filed a copy of two Settlement Agreements, one between

Apple and Summit 6 and another between Twitter and Summit 6, in accordance with 37 C.F.R. § 42.74(b). Exs. 1030, 1031. The parties also submitted a Joint Request that the Settlement Agreements be treated as business confidential information and be kept separate from the files of the patent-at-issue, pursuant to 37 C.F.R. § 42.74(c). Paper 16. For the reasons set forth below, the Joint Motion to Terminate and the Joint Request are granted.

The Board generally expects that a case "will terminate after the filing of a settlement agreement, unless the Board has already decided the merits." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. In their Joint Motion to Terminate, the parties indicate that the Settlement Agreements resolve all disputes between them involving the patent-at-issue in this case, U.S. Patent No. 7,765,482 B2 ("the '482 patent"). *See* Paper 15, at 1–2. The motion also points out that this case is in its initial phase. *Id.* Summit 6 filed a Preliminary Response on May 19, 2015, less than one month before the parties filed their joint Motion to Terminate. The Board has not determined whether to institute *inter partes* review pursuant to 35 U.S.C. § 314. Upon consideration of the facts before us, we determine that it is appropriate to terminate this case and enter judgment, without rendering either a decision to institute *inter partes* review or a final written decision. *See* 37 C.F.R. §§ 42.5(a), 42.71(a), 42.73(a), 42.74. We, therefore, grant the Joint Motion to Terminate. *Id.*

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement Agreements treated as business confidential information and kept separate from the files of the '482 patent. Thus, we grant the Joint Request. Paper 16.

In addition, given the termination of the case as a result of settlement, we also dismiss as moot the pending Motion to Seal, filed by Summit 6. Paper 14. The subject papers of the Motion to Seal, Exhibits 2001, 2002, 2020, 2021, and 2033, are expunged from the record.

ORDER

For the foregoing reasons, it is:

ORDERED that the Joint Request that Apple/Summit 6 and Twitter/Summit 6 Settlement Agreements Be Treated as Business Confidential Information and Kept Separate Under 37 C.F.R. § 42.74(c) (Paper 16) is *granted*;

FURTHER ORDERED that Summit 6's Motion to Seal (Paper 14) is *dismissed* as moot;

FURTHER ORDERED that Exhibits 2001, 2002, 2020, 2021, and 2033 are expunged; and

FURTHER ORDERED that the Joint Motion to Terminate (Paper 15) is *granted* and this case is hereby terminated.

IPR2015-00687
Patent 7,765,482 B2

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