

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC., NISSAN NORTH AMERICA,
INC., and KIA MOTORS AMERICA, INC.,
Petitioner,

v.

SIGNAL IP, INC.,
Patent Owner.

Case IPR2015-01004¹
Patent 6,012,007

Before MEREDITH C. PETRAVICK, JEREMY M. PLENZLER, and
JAMES A. TARTAL, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate with Respect to
Petitioner Nissan North America, Inc.
35 U.S.C. § 317(a)

¹ Nissan North America, Inc. and Kia Motors America, Inc. were joined as parties to this proceeding via Motions for Joinder in IPR2016-00113 and IPR2016-00115, respectively. On April 12, 2016, this proceeding was terminated with respect to American Honda Motor Co., Inc. Paper 21.

On May 23, 2016, Petitioner Nissan North America, Inc. (“Nissan”) and Patent Owner filed a joint motion to terminate this proceeding with respect to Petitioner Nissan under 35 U.S.C. § 317(a). Paper 24 (“Mot.”).

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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” In their joint motion, the parties request termination of this proceeding because “Petitioner Nissan and Patent Owner Signal IP have entered into a written settlement agreement.” Mot. 1. The merits of this proceeding have not been decided.

Under 35 U.S.C. § 317(b), any agreement or understanding between Patent Owner and Petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of the proceeding shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office. The parties represent that “[a] true and correct copy of the settlement agreement is being filed herewith as Exhibit 2002, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).” *Id.* at 1–2. The parties 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 25.

Upon consideration of the facts in the case before us, we grant the joint motion and terminate this proceeding with respect to Petitioner Nissan and the request to treat the settlement agreement business confidential. The proceeding is not terminated with respect to Kia Motors America, Inc.

IPR2015-01004
Patent 6,012,007

It is

ORDERED that the joint motion to terminate this proceeding with respect to Petitioner Nissan is granted; and

FURTHER ORDERED that the parties' request to treat the settlement agreement (Ex. 2002) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is granted.

PETITIONER:

Heath Briggs
briggsh@gtlaw.com

Patrick McCarthy
mccarthyp@gtlaw.com

PATENT OWNER:

Tarek N. Fahmi
tarek.fahmi@ascendalaw.com