

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REALTECK SEMICONDUCTOR CORPORATION,
Petitioner,

v.

ANDREA ELECTRONICS CORPORATION,
Patent Owner.

Case IPR2015-01391
Patent 5,825,898

Before MICHAEL R. ZECHER, TREVOR M. JEFFERSON, and
JEREMY M. PLENZLER, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. §§ 42.72 and 42.74

I. DISCUSSION

On October 16, 2015, the parties filed a Joint Motion to Terminate this proceeding (Paper 6), a true copy of the parties' settlement agreement (Ex. 2001), and a 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 7).

This proceeding is still in its preliminary stages. Petitioner, Realtek Semiconductor Corporation ("Realtek"), filed a Petition requesting an *inter partes* review of claims 1–28 of U.S. Patent No. 5,825,898 ("the '898 patent"). Paper 1. Patent Owner, Andrea Electronics Corporation ("Andrea"), has not filed a Preliminary Response, and we have not entered a decision whether or not to institute an *inter partes* review.

In the Joint Motion to Terminate this proceeding, the parties represent that they have settled their disputes regarding the '898 patent. Paper 6, 2. The parties identify the following related matters: (1) the '898 patent was asserted against multiple companies in the United States Court for the Eastern District of New York; (2) the '898 patent is the subject of an International Trade Commission investigation; and (3) in the United States Court for the Northern District of California Realtek filed a breach of contract lawsuit against Andrea concerning a licensing agreement related to the '898 patent. *Id.* at 2–4. The parties, however, do not represent that the '898 patent is involved in any other proceedings before the Office. *See generally id.* Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 2001) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

IPR2015-01391
Patent 5,825,898

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