

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REALTECK SEMICONDUCTOR CORPORATION,
Petitioner,

v.

ANDREA ELECTRONICS CORPORATION,
Patent Owner.

Case IPR2015-01393
Patent 6,049,607

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

ZECHER, *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 1–12 and 25–37 of U.S. Patent No. 6,049,607 ("the '607 patent") on July 13, 2015. 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 '607 patent. Paper 6, 2. The parties identify the following related matters: (1) the '607 patent was asserted against multiple companies in the United States Court for the Eastern District of New York; (2) the '607 patent is the subject of an International Trade Commission investigation; and (3) Realtek filed a breach of contract lawsuit concerning a licensing agreement related to the '607 patent against Andrea in the United States Court for the Northern District of California. *Id.* at 2–4. The parties, however, do not represent that the '607 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.

IPR2015-01393
Patent 6,049,607

For PETITIONER:

John M. Caracappa
Tremayne M. Norris
Stanley C.T. Kuo
Trevor C. Hill
David L. Hecht
Steptoe & Johnson LLP
jcaracap@steptoe.com
tnorris@steptoe.com
skuo@steptoe.com
thill@steptoe.com
dhecht@steptoe.com

For PATENT OWNER:

Andy H. Chan
George S. Haight
Yue (Lily) Li
Griffin Mesmer
Pepper Hamilton LLP
chana@pepperlaw.com
haightg@pepperlaw.com
lil@pepperlaw.com
mesmerg@pepperlaw.com