

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

TRACBEAM, LLC,
Patent Owner.

Case IPR2015-01695 (Patent 7,298,327 B2)
Case IPR2015-01697 (Patent 7,525,484 B2)
Case IPR2015-01701 (Patent 8,032,153 B2)
Case IPR2015-01703 (Patent 7,764,231 B1)¹

Before KEVIN F. TURNER, RICHARD E. RICE, DAVID C. MCKONE,
JAMES A. TARTAL, BARBARA A. PARVIS, and
MATTHEW R. CLEMENTS, Administrative Patent Judges.

PARVIS, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate Pursuant to Settlement
35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72–42.74

¹ This Decision addresses the same issue in these four *inter partes* reviews. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this style of filing in subsequent papers, without prior authorization.

IPR2015-01695 (Patent 7,298,327), IPR2015-01697 (Patent 7,525,484), IPR2015-01701 (Patent 8,032,153), IPR2015-01703 (Patent 7,764,231)

On April 5, 2016, and pursuant to 35 U.S.C. § 317(a), the parties filed a joint motion to terminate in each of the above cited proceedings.

IPR2015-01695, Paper 12; IPR2015-01697, Paper 12; IPR2015-01701, Paper 10; IPR2015-01703, Paper 9. Along with each joint motion, the parties filed a Settlement Agreement. IPR2015-01695, Ex. 1012; IPR2015-01697, Ex. 1011; IPR2015-01701, Ex. 1012; IPR2015-01703, Ex. 1012.

The parties also filed in each case a joint request that the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2015-01695, Paper 13; IPR2015-01697, Paper 13; IPR2015-01701, Paper 11; IPR2015-01703, Paper 10. We authorized the above filings on April 1, 2016.

The parties represent that they have settled their disputes and memorialized their settlement in the written agreement submitted in each case. IPR2015-01695, Paper 12; IPR2015-01697, Paper 12; IPR2015-01701, Paper 10; IPR2015-01703, Paper 9. In the joint motions, the parties also represent that the settlement agreement resolves all disputes between the parties in the *inter partes* reviews and the related lawsuit. IPR2015-01695, Paper 12; IPR2015-01697, Paper 12; IPR2015-01701, Paper 10; IPR2015-01703, Paper 9.

The joint motion identifies defendants other than Petitioner that are involved in the related lawsuit. The other defendants have filed other petitions. On this record, no motion by any third party for joinder with these *inter partes* reviews is pending.

This matter is at a stage prior to its final hearing, with no decision on the merits having been made. Upon consideration of the facts before us, we determine that it is appropriate to terminate the proceedings with respect to both parties. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. Therefore,

IPR2015-01695 (Patent 7,298,327), IPR2015-01697 (Patent 7,525,484),
IPR2015-01701 (Patent 8,032,153), IPR2015-01703 (Patent 7,764,231)
the joint motions to terminate the proceedings are granted. This paper does
not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

IPR2015-01695 (Patent 7,298,327), IPR2015-01697 (Patent 7,525,484),
IPR2015-01701 (Patent 8,032,153), IPR2015-01703 (Patent 7,764,231)

ORDER

For the foregoing reasons, it is:

ORDERED that the parties' joint request in each proceeding that the settlement agreement (IPR2015-01695, Ex. 1012; IPR2015-01697, Ex. 1011; IPR2015-01701, Ex. 1012; IPR2015-01703, Ex. 1012) be treated as business confidential information and be kept separate from the patent file is *granted*; and

FURTHER ORDERED that the joint motions to terminate in each of the IPR2015-01695, IPR2015-01697, IPR2015-01701, and IPR2015-01703 proceedings are *granted* and each of the proceedings is terminated with respect to both Petitioner and Patent Owner.

PETITIONER:

David L. Fehrman
Martin M. Noonan
10684-TracBeam-IPR@mofocom

PATENT OWNER:

Sean A. Luner
sean@dovellaw.com

Steven C. Sereboff
ssereboff@socalip.com