

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS (USA) INC.,
Petitioner,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,
Patent Owner.

Case IPR2016-00367 (Patent 8,868,060)
Case IPR2016-00384 (Patent 8,385,966)
Case IPR2016-00385 (Patent 8,385,966)

Before JENNIFER S. BISK, GREGG I. ANDERSON, and
WILLIAM M. FINK, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

DECISION
Dismissing Petition Pursuant To Settlement
37 C.F.R. §§ 42.5(a), 42.71(a)

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Case IPR2016-00384 (Patent 8,385,966)
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On March 25, 2016, the parties filed a “Joint Motion of Petitioner and Patent Owner to Terminate Proceeding”¹ in each of the three cases listed above because they “have reached a Settlement Agreement to end their disputes in this proceeding and the underlying litigation.” Paper 6, 1.² The parties concurrently filed a copy of that Settlement Agreement and a collateral agreement referenced therein (Exs. 2001, 2002) along with a “Joint Request that the Settlement Agreement and Collateral Agreement be Treated as Business Confidential Information.” Paper 7; *see also* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

Patent Owner has not filed a preliminary response in any of these proceedings, and we have not considered the merits of the Petitions. Under these circumstances, we determine that it is appropriate to dismiss the Petitions. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is:

ORDERED that the Petition in each of these proceedings is *dismissed*; and

¹ The parties style this a “Motion to Terminate” pursuant to 35 U.S.C. § 317. The parties do not, however, explain how § 317, which refers to “[a]n inter partes review instituted under this chapter,” applies explicitly to this situation, in which an institution decision has not yet been rendered.

² Because the parties filed substantially the same documents in each of the three cases, we refer only to papers in IPR2016-00367.

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FURTHER ORDERED that the joint request that the Settlement and Collateral Agreements (Exs. 2001, 2002) be treated as business confidential information and be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

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