

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR CORPORATION,  
Petitioner,

v.

BLITZSAFE TEXAS, LLC,  
Patent Owner.

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Case IPR2016-00421  
Patent 7,489,786 B2

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Before JAMESON LEE, MIRIAM L. QUINN, and KERRY BEGLEY,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

JUDGMENT  
Joint Motion to Terminate  
*37 C.F.R. § 42.72*

On February 17, 2017, the parties filed a joint motion to terminate this *inter partes* review with respect to both Petitioner and Patent Owner, on the basis that they have settled. Paper 26, 1. Also on February 17, 2017, the parties filed a copy of their written settlement agreement covering Patent

No. 7,489,786 B2 involved in this *inter partes* review (Ex. 2001), and a joint request to have their settlement agreement treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 27).

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The requirement for terminating this proceeding with respect to Petitioner is met.

Under 35 U.S.C. § 317(a), “If no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” Toyota Motor Corporation is the sole petitioner in this proceeding. The Board has discretion to terminate this proceeding with respect to Blitzsafe Texas, LLC as Patent Owner.

In this proceeding, all substantive papers have been filed by the parties, and we have ordered that no oral hearing will be held. Paper 25. A final written decision is expected by July 7, 2017, one year from institution of trial on July 7, 2016. In the joint motion, the parties indicate that they have settled their related district court action involving Patent No. 7,489,786 B2 and have moved before the district court for dismissal of the action. Paper 26, 1. They also indicate that they have agreed to seek termination of this *inter partes* review proceeding. *Id.*

In the circumstances of this case, particularly in light of the fact that a final written decision is not due until more than four months from now, we

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determine that termination with respect to both Petitioner and Patent Owner is appropriate.

It is

ORDERED that the joint motion to terminate IPR2016-00421 both as to Petitioner and Patent Owner is *granted*, and that this *inter partes* review is hereby terminated as to all parties including Toyota Motor Corporation as Petitioner and Blitzsafe Texas, LLC as Patent Owner; and

FURTHER ORDERED that the parties' joint request (Paper 27) to have their settlement agreement (Exhibit 2001) treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is also *granted*.

PETITIONER:

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