

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WAVES AUDIO, LTD,
Petitioner,

v.

ANDREA ELECTRONICS CORP.,
Patent Owner.

Case IPR2016-00459
Patent 6,363,345 B1

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

PLENZLER, *Administrative Patent Judge*.

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

I. DISCUSSION

On March 8, 2016, the parties filed a Joint Motion to Terminate this proceeding (Paper 9), 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 10).

This proceeding is still in its preliminary stages. Petitioner, Waves Audio, LTD ("Waves"), filed an Amended Petition requesting an *inter partes* review of claims 1–3, 12–14, 17, 21, 23, 25, 38 and 47 of U.S. Patent No. 6,363,345 B1 ("the '345 patent") on January 22, 2016. Paper 5. 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 '345 patent. Paper 9, 2. The parties identify the following related matters: (1) the '345 patent was asserted against multiple companies in the United States District Court for the Eastern District of New York; and (2) the '345 patent is the subject of an International Trade Commission investigation. *Id.* at 2–3. The parties, however, do not represent that the '345 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.

IPR2016-00459
Patent 6,363,345 B1

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