

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN CHINA STAR OPTOELECTRONICS
TECHNOLOGY CO., LTD.,
Petitioner,

v.

AU OPTRONICS CORPORATION,
Patent Owner.

Cases IPR2016-00548 (Patent 6,689,629 C1)
IPR2016-00550 (Patent 7,652,285 B2)¹

Before GRACE KARAFFA OBERMANN, BRIAN P. MURPHY, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This order addresses the same issue in both cases. We exercise our discretion to issue one order to be filed in each case. The parties are authorized to use this style heading when filing a single paper in both proceedings, provided that such heading includes a footnote attesting that “the word-for-word identical paper is filed in each proceeding identified in the heading.”

IPR2016-00548 (Patent 6,689,629 C1)

IPR2016-00550 (Patent 7,652,285 B2)

A conference call was held on Thursday, April 14, 2016, among John F. Rabena, counsel for Petitioner, Shenzhen China Star Optoelectronics Technology Co., Ltd. (“China Star”); Vincent K. Yip and Peter J. Wied, counsel for Patent Owner AU Optronics Corporation; and Administrative Patent Judges Roesel, Obermann, and Murphy. The parties jointly requested the conference call to request authorization to file a motion to terminate the above-referenced proceedings.

During the call, Petitioner explained that, pursuant to an agreement between the parties, the challenged patents are the subject of an arbitration proceeding in Hong Kong, that the arbitrator has determined that the arbitrator has sole authority to adjudicate the parties’ dispute regarding the challenged patents, and that the arbitrator has ordered China Star to terminate the *inter partes* review proceedings. Patent Owner agreed with Petitioner’s explanation. The parties seek authorization to file a joint motion to terminate the proceedings.

These proceedings are at an early stage. Patent Owner has not yet filed a Preliminary Response, and we have not instituted a trial. Under these circumstances, we authorize the parties to file a joint motion to dismiss the petitions. The joint motion should include a brief explanation as to why dismissal is appropriate and should include a copy of the arbitrator’s order referenced by Petitioner.

IPR2016-00548 (Patent 6,689,629 C1)

IPR2016-00550 (Patent 7,652,285 B2)

ORDER

Accordingly, it is:

ORDERED that the parties are authorized to file, within 10 business days of this order, a joint motion to dismiss the petitions;

FURTHER ORDERED that the joint motion must be accompanied by copy of the arbitrator's order, which should be filed as an exhibit pursuant to 37 C.F.R. § 42.63.

IPR2016-00548 (Patent 6,689,629 C1)

IPR2016-00550 (Patent 7,652,285 B2)

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