

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPRINT SPECTRUM L.P., CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, and AT&T MOBILITY LLC,
Petitioner,

v.

ADAPTIX, INC.,
Patent Owner.

Case IPR2016-00823
Patent 8,934,375 B2

Before KALYAN K. DESHPANDE, TREVOR M. JEFFERSON, and
J. JOHN LEE, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. §§ 42.72, 42.74

I. DISCUSSION

On November 2, 2016, Sprint Spectrum L.P. (“Sprint”), Cellco Partnership D/B/A Verizon Wireless (“Verizon”), and AT&T Mobility LLC (“AT&T”) (collectively, “Petitioner”) and Adaptix, Inc. (“Adaptix” or “Patent Owner”) filed an authorized Joint Motion to Terminate the above-captioned proceeding pursuant to 35 U.S.C. § 317. Paper 11 (“Mot.”). Petitioner and Patent Owner also filed a copy of a license agreement between AT&T and Adaptix, and a copy of a release agreement between Verizon and Adaptix. Exs. 2003, 2004. Petitioner and Patent Owner represent that the filed agreements are true and correct copies. Mot. 2–3. Sprint and Adaptix represent that the instant Joint Motion to Terminate along with the Joint Motion to Terminate IPR2016-00824 “constitute[] Sprint Spectrum L.P.’s and Adaptix’s written agreement to terminate this proceeding.” *Id.* at 3. Petitioner and Patent Owner further represent that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding. *Id.* at 2–4.

“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a). We have not yet decided the merits of this proceeding, and a final written decision has not yet been entered. Petitioner and Patent Owner represent that they have settled their dispute with respect to U.S. Patent Number 8,934,375 B2, and that there are no current or contemplated pending litigation proceedings involving U.S. Patent Number 8,934,375 B2. Mot. 2, 4. Accordingly, we determine that good cause exists to terminate this proceeding.

Petitioner and Patent Owner also filed a Joint Motion to File Agreements as Business Confidential Information, requesting that the agreement between AT&T and Adaptix and the agreement between Verizon and Adaptix be kept separate from the file of the challenged patent. Paper 12.

“At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.” 35 U.S.C. § 317(b). After reviewing the agreement between AT&T and Adaptix, and the agreement between Verizon and Adaptix, we find that the agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the agreement between AT&T and Adaptix, and the agreement between Verizon and Adaptix as business confidential information under 35 U.S.C. § 317(b).

II. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate (Paper 11) is *granted*;

FURTHER ORDERED that this proceeding is hereby terminated; and

FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information (Paper 12) is *granted*, and the Agreement between AT&T and Adaptix, and the Agreement between Verizon and Adaptix will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and be kept separate from the publicly available file of the challenged patent.

IPR2016-00823
Patent 8,934,375 B2

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