

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION, MICROSOFT MOBILE INC., SAMSUNG
ELECTRONICS AMERICA, INC., and SAMSUNG ELECTRONICS CO. LTD.,
Petitioner,

v.

FASTVDO LLC,
Patent Owner.

Case IPR2016-01179
Patent 5,850,482

Before JEFFREY S. SMITH, PATRICK M. BOUCHER, and PETER P. CHEN,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION
JOINT MOTION TO TERMINATE
35 U.S.C. § 317

On February 1, 2017, Microsoft Corporation and Microsoft Mobile Inc. (“Moving Petitioner Parties”) and Patent Owner FastVDO LLC (“Patent Owner”) requested that this proceeding be terminated with respect to the Moving Petitioner Parties pursuant to 35 U.S.C. § 317(a). Paper 17. Moving Petitioner Parties and Patent Owner represent that “Microsoft Mobile Inc. and Microsoft Corporation have reached a settlement of their disputes with Patent Owner concerning the subject patent. Accordingly, the parties jointly request termination of these proceedings with respect to the Moving Petitioner Parties.” *Id.*

The parties also represent that on January 6, 2017, the related district court matter was dismissed with prejudice against Microsoft Mobile Inc. *Id.* With their joint motion to terminate, Moving Petitioner Parties and Patent Owner also filed a copy of their written settlement and release agreement. Ex. 1015. Moving Petitioner Parties and Patent Owner request the agreement be treated as business confidential information under 35 U.S.C. § 317(b). Paper 18.

At this stage of the proceeding, the Board has not decided the merits of the proceeding. Under these circumstances, we determine that it is appropriate to terminate these proceedings as to Microsoft Corporation and Microsoft Mobile Inc. The proceedings are not terminated with respect to Samsung Electronics America, Inc. and Samsung Electronics Co. Ltd.

Accordingly, it is

ORDERED that the joint motion to terminate this proceeding with respect to Microsoft Corporation and Microsoft Mobile Inc. is *granted*;

FURTHER ORDERED that the joint requests that the settlement and release agreement be treated as business confidential information and be kept separate from the file of the involved parties under the provisions of 35 U.S.C. § 317(b), i.e.

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to be made available only to Federal Government agencies on written request, or to any person on a showing of good cause, is *granted*;

FURTHER ORDERED that this proceeding will continue with Samsung Electronics America, Inc. and Samsung Electronics Co. Ltd. as the Petitioner.

PETITIONER:

Derrick W. Toddy
Garth A. Winn
John D. Vandenberg
KLARQUIST SPARKMAN, LLP
derrick.toddy@klarquist.com
garth.winn@klarquist.com
john.vandenberg@klarquist.com

PATENT OWNER:

Wayne M. Helge
Walter D. Davis
Amir Naini
Neil Rubin
DAVIDSON, BERQUIST, JACKSON & GOWDEY, LLP
whelge@dbjg.com
wdavis@dbjg.com
anaini@raklaw.com
nrubin@raklaw.com