

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL ELECTRIC CO.,
Petitioner,

v.

GROUPCHATTER, LLC.,
Patent Owner.

Cases

IPR2017-00310 (Patent 8,588,207)
IPR2017-00311 (Patent 9,014,659)
IPR2017-00313 (Patent 8,199,740)
IPR2017-00314 (Patent 7,969,959)¹

Before KRISTEN L. DROESCH, MICHAEL J. FITZPATRICK, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION

Dismissing Petitions Pursuant to Settlement
37 C.F.R. § 42.71(a)

¹ This Decision addresses an issue that is identical in all cases. We, therefore, exercise our discretion to issue one Decision to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

IPR2017-00310 (Patent 8,588,207); IPR2017-00311 (Patent 9,014,659)
IPR2017-00313 (Patent 8,199,740); IPR2017-00314 (Patent 7,969,959)

Petitioner filed petitions requesting *inter partes* reviews in these cases on November 22, 2016. Paper 1.² These proceedings are still in their preliminary stage and no trial has yet been instituted.

On March 3, 2017, the parties filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 (Paper 6) in each proceeding. Section 317 of Title 35 governs settlement of instituted *inter partes* reviews. 35 U.S.C. § 317(a) (“An inter partes review instituted under this chapter . . .”). It does not govern settlement prior to institution. Accordingly, the parties’ Joint Motions to Terminate are denied, but under these circumstances, we determine it is appropriate to dismiss the proceedings pursuant to 37 C.F.R. § 42.71(a) without rendering any further decisions.

The parties also filed Joint Requests to Maintain Confidentiality and to Keep Separate (Paper 7), accompanied by a true copy of a settlement agreement (Exhibit 1019). We grant the parties’ request under 37 C.F.R. § 42.74(c).

ORDER

Accordingly, it is:

ORDERED that the Joint Motions to Terminate Proceeding are denied;

FURTHER ORDERED that the Petitions are dismissed; and

FURTHER ORDERED that the parties’ joint requests that the settlement agreement (Exhibit 1019) be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any

² Citations are to IPR2017-00310, unless otherwise noted.

IPR2017-00310 (Patent 8,588,207); IPR2017-00311 (Patent 9,014,659)
IPR2017-00313 (Patent 8,199,740); IPR2017-00314 (Patent 7,969,959)

person on a showing of good cause, under the provisions of 37 C.F.R.
§ 42.74(c), are granted.

IPR2017-00310 (Patent 8,588,207); IPR2017-00311 (Patent 9,014,659)
IPR2017-00313 (Patent 8,199,740); IPR2017-00314 (Patent 7,969,959)

FOR PETITIONER:

Marc S. Kaufman
David Pollock
Jonathan I. Detrixhe
REED SMITH, LLP
mskaufman@reedsmith.com
dpollock@reedsmith.com
jdetrixhe@reedsmith.com

FOR PATENT OWNER:

Tarek N. Fahmi
Holly J. Atkinson
Jason A. LaBerteaux
ASCENDA LAW GROUP, PC
tarek.fahmi@ascendalaw.com
holly.atkinson@ascendalaw.com
jason.laberteaux@ascendalaw.com