

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLIR SYSTEMS, INC.,
FLIR MARITIME US, INC. (F/K/A RAYMARINE, INC.),
and NAVICO, INC.,
Petitioners,

v.

GARMIN SWITZERLAND GmbH,
Patent Owner.

Case IPR2017-00946¹
Patent 7,268,703 B1

Before JUSTIN T. ARBES, THOMAS L. GIANNETTI, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

TERMINATION OF TRIAL WITH RESPECT TO
PETITIONER NAVICO, INC.
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74(c)

¹ Navico, Inc. was joined as a party to this proceeding via a Motion for Joinder in IPR2017-02051.

On February 14, 2018, in response to a joint e-mail request, we authorized Petitioner Navico, Inc. (“Navico”) and Patent Owner Garmin Switzerland GmbH (“Garmin”) (collectively “the Settling Parties”) to file a joint motion to terminate the proceeding with respect to Navico and a joint request that the settlement agreement be treated as business confidential information. Pursuant to that authorization, on February 16, 2018, the Settling Parties filed a Joint Motion to Terminate With Respect to Navico (Paper 25), a Joint Request to Keep Confidential and Separate under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 26), and a true copy of the parties’ settlement agreement (Ex. 2006).

In the Joint Motion to Terminate With Respect to Navico, the Settling Parties represent that they “have executed a settlement agreement that resolves all of their disputes concerning U.S. Patent No. 7,268,703—expressly including the present IPR.” Paper 25, 2. The Settling Parties further represent that Exhibit 2006 “represents a true and accurate copy of the agreement between the parties that resolves this proceeding” and “that there are no collateral agreements, understandings, or other agreements between the parties made in connection with, or in contemplation of, the termination of the present proceeding.” *Id.* at 3. The Settling Parties further represent that “[t]he Agreement requires both parties to terminate all disputes, including *Inter Partes* Review Proceeding No. 2017-00946 and *Garmin Switzerland GmbH, et al. v. Navico, Inc., et al.*, Case No. 2:16-cv-2706 (D. Kan.)” Paper 25, 2–3.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint

request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

Although a Decision to Institute and granting Navico’s Motion for Joinder was entered on January 23, 2018 (Paper 21), this case is at a sufficiently early stage of the trial, no motions are outstanding in this case other than Patent Owner’s Motion to Amend (Paper 15), and the Board has not decided the merits of the proceeding. *See* Paper 25, 2.

In view of the circumstances presented in this case, we grant the Joint Motion and terminate this *inter partes* review with respect to Petitioner Navico. *See* 37 C.F.R. § 42.72. FLIR Systems, Inc. and FLIR Maritime US, Inc. (f/k/a Raymarine, Inc.) remain as Petitioners following this Decision. We also grant the Joint Request to maintain Exhibit 2006 as business confidential information in accordance with 37 C.F.R. § 42.74(c).

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ request to treat the settlement agreement (Ex. 2006) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED;

FURTHER ORDERED that the Joint Motion to Terminate this proceeding with respect to Navico is GRANTED, and this proceeding is hereby terminated with respect to Navico; and

FURTHER ORDERED that the case caption shall be changed to reflect the termination with respect to Navico, in accordance with the attached example.

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Patent 7,268,703 B1

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