

UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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LG ELECTRONICS, INC.,  
Petitioners,

v.

ATI TECHNOLOGIES ULC,  
Patent Owner.  
\_\_\_\_\_

Case IPR2017-01225  
Patent 8,760,454 B2  
Case IPR2017-01226  
Patent 9,582,846 B2<sup>1</sup>  
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Before, JONI Y. CHANG, BRIAN J. MCNAMARA, and  
JAMES B. ARPIN, *Administrative Patent Judges*

McNAMARA, *Administrative Patent Judge.*

ORDER AUTHORIZING FILING OF MOTION TO TERMINATE  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

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<sup>1</sup> This order is to be filed in each case. The parties are not authorized to use this style heading in any subsequent papers.

In e-mail correspondence on September 26, 2017, the parties advised the Board that a settlement agreement had been reached in the preliminary *inter partes* review proceedings before the office concerning of U.S. Patent No. 8,760,454 B2 and U.S. Patent No. 9,582,846 B2 (the subject patents). The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which shall be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)-(b). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of such proceeding as between the parties. *See* 35 U.S.C. § 317(b). Any such agreement should be filed as a separate exhibit available to the Board and parties only.

These matters are in the preliminary stage. Patent Owner filed a Preliminary Response in each proceeding on July 18, 2017, but we have not rendered a decision whether to institute a trial. The parties have identified co-pending litigation, which they represent they have stayed pending settlement, as to Petitioner and Patent Owner. The parties have identified no other related matters. Under these circumstances, it may be appropriate to enter judgment and terminate the proceeding without rendering a final written decision. *See* 37 C.F.R. § 42.72

The parties are authorized to file a Joint Motion To Terminate each proceeding. The Joint Motion To Terminate must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving

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the subject patents, and advise the Board whether any litigation or proceeding involving the subject patents is contemplated in the foreseeable future. The Joint Motion To Terminate also must include a copy of any agreement and include a statement certifying that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of these proceedings. A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement. *Id.*

It is **ORDERED** that the parties are authorized to file a Joint Motion To Terminate the proceeding and a Joint Request That The Settlement Agreement Be Treated As Business Confidential Information.

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