

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HTC CORPORATION, HTC AMERICA, Inc.  
ZTE CORPORATION, and ZTE (USA), Inc.,  
Petitioners

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,  
Patent Owner.

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Case IPR2017-01508 (Patent 8,385,966 B2)  
Case IPR2017-01509 (Patent 9,037,129 B2)<sup>1</sup>

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Before BRYAN F. MOORE, JENNIFER S. BISK, and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION

*Joint Motion to Terminate with Respect to  
ZTE Corporation and ZTE (USA), Inc.  
37 C.F.R. § 42.72*

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<sup>1</sup> The parties are not authorized to use this caption. The parties should use the caption appropriate to the specific case.

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IPR2017-01509 (Patent 9,037,129)

## INTRODUCTION

On November 26, 2017, we instituted an *inter partes* review in both IPR2017-01508 and IPR2017-01509 (“1508 IPR” and “1509 IPR,” respectively), both captioned HTC Corporation, HTC America, Inc. (“HTC”), ZTE Corporation, and ZTE (USA), Inc. (“ZTE”) (collectively, “Petitioners”) versus Cellular Communications Equipment LLC (“Patent Owner”). In both proceedings, a final hearing was held on July 10, 2018. The Board has not issued a final written decision. HTC was previously terminated from this proceeding. ’1508 IPR, Paper 23; ’1509 IPR, Paper 23.

Per our email dated September 10, 2018, we authorized the filing of a motion to terminate and to treat the settlement documents as confidential as to ZTE. *See* Ex. 3002. Per our authorization and also on September 10, 2018, Petitioners and Patent Owner filed a Joint Motion to Terminate Petitioners Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 as to ZTE only (“Joint Motion”). ’1508 IPR, Paper 24; ’1509 IPR, Paper 24.

Concurrent with the filing of the Joint Motion, a true copy of a Patent License and License Option Agreement (’1508 IPR, Ex. 2016; ’1509 IPR, Ex. 2007) were filed. Also concurrent with the filing of the Joint Motion, a Joint Request to Treat Agreement as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) was filed. ’1508 IPR, Paper 25; ’1509 IPR, Paper 25.

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.” The grant of the motion to terminate will result in the termination of the instant

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proceeding, because HTC was previously terminated and no other petitioners remain.

Generally, however, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). We are persuaded that, under these circumstances, it is appropriate to terminate both these proceedings. *See* 37 C.F.R. § 42.72.

#### ORDER

Accordingly, it is:

ORDERED that the joint motion to terminate these proceedings with respect to ZTE is GRANTED, and IPR2017-01508 and IPR2017-01509 are hereby terminated as no petitioners remain; and

FURTHER ORDERED that the parties' Joint Request to Treat Agreement as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) relating to '1508 IPR Exhibits 2016 and '1509 IPR Exhibit 2007, is GRANTED, and the specified exhibits shall be: (i) treated as business confidential information; (ii) kept separate from the files of U.S. Patent Nos. 8,385,966 and 9,037,129; (iii) kept confidential from any third party (including from the non-settling Petitioner HTC); (iv) filed as "BOARD ONLY," and (v) made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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PETITIONERS:

Steve Moore

steve.moore@pillsburylaw.com

Brian Nash

brian.nash@pillsburylaw.com

PATENT OWNER:

Matthew Juren

matthew@nelbum.com

Barry Bumgardner

barry@nelbum.com