

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARFIELD, INC.,
Petitioner,

v.

COMMSCOPE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2017-02122 (Patent 8,705,929 B2)

Case IPR2018-00003 (Patent 7,198,409 B2)

Case IPR2018-00154 (Patent 7,809,233 B2)

Before KARL D. EASTHOM, STACEY G. WHITE, and
JON M. JURGOVAN, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION
Motion to Dismiss
37 C.F.R. § 42.71(a)

Case IPR2017-02122 (Patent 8,705,929 B2)

Case IPR2018-00003 (Patent 7,198,409 B2)

Case IPR2018-00154 (Patent 7,809,233 B2)

Petitioner Clearfield, Inc. and Patent Owner CommScope Technologies LLP, filed a Joint Motion to Terminate Proceeding (Paper 7¹) and a Joint Motion to Treat Settlement Agreement as Business Confidential Information (Paper 8) in each of the above-captioned cases. The parties represent that they have reached a settlement agreement, which is in writing and a true copy of which has been filed in conjunction with the above motions as required under 37 C.F.R. § 42.74(b). Paper 7, 1–2; Ex. 1015. The parties also certify that no other agreements exist between the parties concerning these cases or the patents at issue. *Id.*

We construe each Joint Motion to Terminate as a motion to dismiss under 37 C.F.R. § 42.71(a) because no *inter partes* review has yet been instituted in these cases. At this early stage, we determine that dismissal is warranted in light of the parties' joint requests and their settlement agreement. We further determine that the settlement agreement filed by the parties constitutes business confidential information. Therefore, the parties' joint motions discussed above are *granted*.

¹ All citations herein are to the record in IPR2017-02122. Similar filings were made in each of the above-captioned cases.

Case IPR2017-02122 (Patent 8,705,929 B2)

Case IPR2018-00003 (Patent 7,198,409 B2)

Case IPR2018-00154 (Patent 7,809,233 B2)

ORDER

It is

ORDERED that the parties joint motion to dismiss in each of the above-captioned cases is *granted*, and each case is *dismissed*; and

FURTHER ORDERED that the parties' Joint Motion to Treat Settlement Agreement as Business Confidential Information in each of the above-captioned cases is *granted*, and Exhibit 1015 in Case IPR2017-02122, Ex. 1011 in Case IPR2018-00003, and Ex. 1013 in Case IPR2018-00154 shall be kept separate from the pertinent file consistent with 37 C.F.R. § 42.74(b).

Case IPR2017-02122 (Patent 8,705,929 B2)

Case IPR2018-00003 (Patent 7,198,409 B2)

Case IPR2018-00154 (Patent 7,809,233 B2)

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