

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOMTOM, INC. and TOMTOM INTERNATIONAL, B.V.,
Petitioner,

v.

SMART WEARABLE TECHNOLOGIES INC.,
Patent Owner.

Case IPR2017-01826
Patent 6,997,882 B1

Before PATRICK R. SCANLON, ZHENYU YANG, and
TIMOTHY J. GOODSON, Administrative Patent Judges.

YANG, *Administrative Patent Judge.*

ORDER

Termination of the Proceeding Due to Settlement after Institution
35 U.S.C. § 317 and 37 C.F.R. § 42.72

With our authorization, the parties filed a Joint Motion to Terminate this proceeding pursuant to 35 U.S.C. § 317(a). Paper 14. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed a true and correct copy of a Settlement Agreement. Ex. 1009. The parties jointly requested that the Settlement Agreement as business confidential information, to be kept separate from the publicly available patent files. Paper 14, 2.

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.” In this case, the Board instituted trial on January 30, 2018. Paper 12. So far, Patent Owner has not filed its Patent Owner Response, and the Board has not decided the merits of the proceeding.

Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a).” After reviewing the Joint Motion to Terminate and the Settlement Agreement, we determine that it is appropriate to terminate the proceeding without rendering a final written decision. Therefore, the Joint Motion to Terminate is GRANTED.

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Accordingly, it is

ORDERED that the Joint Motion to Terminate is GRANTED and this proceeding is hereby TERMINATED; and

FURTHER ORDERED that the Settlement Agreement will be treated as business confidential information, and will be kept separate from the patent files.

PETITIONER:

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PATENT OWNER:

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