

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HUAWEI TECHNOLOGIES CO., LTD.,  
Petitioner,

v.

BELL NORTHERN RESEARCH, LLC,  
Patent Owner.

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Case IPR2019-01186  
Patent 7,039,435 B2

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Before BRYAN F. MOORE, STACY B. MARGOLIES, and  
SCOTT E. BAIN, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial  
*37 C.F.R. § 42.74*

On December 6, 2019 the parties filed a Joint Motion to Terminate (Paper 13, “Joint Motion”), a settlement agreement (Exhibit 2034, “Agreement”), and a Joint Request to Keep [the Agreement] Separate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 14, “Joint Request”).

In the Joint Motion, the parties state that they have settled their dispute regarding the challenged patent, pursuant to the Agreement. Joint Motion 1. The parties further state that the district court has dismissed the claims relating to the challenged patent in the case between the parties, *Bell Northern Research, LLC v. Huawei Device Co., Ltd., et al.*, Case No. 3:18-cv-1784-CAB-BLM (Doc. No. 128). Joint Motion 2–3. The parties also assert that there are no “public interest or other factors [that] weigh against termination of this proceeding.” *Id.* at 2.

This case is in its preliminary stages and we have not yet decided whether to institute an *inter partes* review. Accordingly, we have not “decided the merits of the proceeding” prior to the parties’ request for termination. 35 U.S.C. § 317(a). The foregoing factors weigh in favor of granting the Joint Motion. We discern no factors weighing against termination of the proceeding. Accordingly, we grant the Joint Motion.

Similarly, we determine that, under the circumstances, it is appropriate to treat the Agreement as business confidential information kept separate from the file of the challenged patent. We, therefore, also grant the Joint Request.

## ORDER

For the foregoing reasons, it is

ORDERED that the Joint Motion to Terminate is GRANTED, and the proceeding is hereby terminated; and

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FURTHER ORDERED that the parties' Joint Request to Keep Separate is GRANTED, and the Agreement shall be treated as business confidential information and kept separate from the file of the '435 patent.

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