

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARWIRE CORPORATION and CLEAR WIRELESS LLC
Petitioners

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC
Patent Owner

Case IPR2013-00306
Patent 5,590,403

Before HOWARD B. BLANKENSHIP, JONI Y. CHANG, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On March 4, 2014, a telephone conference call was held between respective counsel for the parties and Judges Blankenship, Chang, and Quinn. The parties sought authorization to file a joint motion to terminate the instant proceeding on the basis that the parties have reached a settlement.

The instant *inter partes* review was instituted on October 22, 2013. Paper 12. The Board does not have before it full briefing on the issues raised during the trial. Moreover, the Board has not entered a final written decision. Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). The rule governing settlement indicates that any agreement between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and filed with the Board. 37 C.F.R. § 42.74.

Based on the facts of this case, the Board authorizes the parties to file a joint motion to terminate the proceeding. The joint motion must include a brief explanation as to why termination is appropriate. The joint motion to terminate also must be accompanied by **a true copy** of the parties' settlement agreement, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement.

With respect to having the settlement agreement treated as business confidential information under 37 C.F.R. § 42.74(c), the parties must file the confidential settlement agreement electronically in the Patent Review Processing System ("PRPS") as an exhibit in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"). The parties are directed to FAQ G2 on the Board's website at

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<http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential.

Accordingly, it is

ORDERED that the parties are authorized to file a joint motion to terminate this proceeding; the due date for the joint motion is March 11, 2014;

FURTHER ORDERED that the joint motion must be accompanied by a true copy of the parties' settlement agreement in connection with the termination of this proceeding, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b);

FURTHER ORDERED that the parties may file a separate paper requesting that the settlement agreement be treated as business confidential information as specified in 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that any confidential settlement agreement must be filed, as an exhibit, electronically in PRPS in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only").

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PETITIONERS:

Tawni L. Wilhelm (Lead Counsel)
Albert F. Harris III (Back-up Counsel)
SHOOK, HARDY & BACON L.L.P.
twilhelm@shb.com
afharris@shb.com

PATENT OWNER:

John R. Kasha (Lead Counsel)
KASHA LAW LLC
john.kasha@kashalaw.com

Craig Steven Jepson (Back-up Counsel)
REED & SCARDINO LLP
cjepson@reedscardino.com