

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL INC.,  
Petitioner,

v.

NXP B.V.,  
Patent Owner.

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Case IPR2015-01308  
Patent No. 8,204,959 B2

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Before DONNA M. PRAISS, MICHAEL J. FITZPATRICK, and MINN CHUNG,  
*Administrative Patent Judges.*

FITZPATRICK, *Administrative Patent Judge.*

DECISION  
Dismissing Petition Pursuant to Settlement  
*37 C.F.R. § 42.71(a)*

Petitioner, Dell Inc., filed a Petition to institute an *inter partes* review of claims 1–20 of U.S. Patent No. 8,204,959 B2 pursuant to 35 U.S.C. § 311(a). Paper 1. Patent Owner, NXP B.V., filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 6.

On October 21, 2015, prior to our decision on institution and upon receiving leave to do so, the parties filed a “Joint Motion to Terminate” based on a settlement agreement that resolves the parties’ dispute related to the involved patent.<sup>1</sup> Paper 7. The parties also filed a copy of the settlement agreement (Paper 9) along with a “Joint Request To File Settlement Agreement As Business Confidential.” Paper 8; *see also* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is:

ORDERED that the Petition is dismissed; and

FURTHER ORDERED that the settlement agreement (Paper 9) be treated as business confidential information and be kept separate from the files of the involved U.S. Patent No. 8,204,959 B2.

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<sup>1</sup> Technically, during a conference call on October 20, 2015, leave was granted to file a joint motion to dismiss the petition, not to terminate a proceeding that is yet to be instituted.

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