

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN HUIDING TECHNOLOGY CO., LTD.,
Petitioner,

v.

SYNAPTICS INCORPORATED,
Patent Owner.

Case IPR2015-01739
Patent 8,558,811 B2

Before JAMESON LEE, BART A. GERSTENBLITH, and
CHARLES J. BOUDREAU *Administrative Patent Judges.*

GERSTENBLITH, *Administrative Patent Judge.*

DECISION

Termination of Trial and Settlement
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

In an Order dated April 4, 2016 (Paper 14), we authorized Patent Owner Synaptics Incorporated and Petitioner Shenzhen Huiding Technology Co., Ltd. (collectively, “the Parties”) to file a joint motion to terminate the instant proceeding with true copies of all their agreements in contemplation of termination and a joint motion to treat the filed copies of agreement as business confidential information under 37 C.F.R. § 42.74(c). Paper 14, 2. On April 7, 2016, the parties filed a Joint Motion to Terminate Proceedings Under 35 U.S.C. § 317 (Paper 15), a copy of a written Settlement Agreement (Ex. 1018), and a Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 16).

The Parties indicate that they have settled their underlying dispute and have agreed, in the Settlement Agreement, a true and correct copy of which they have filed with their motion, to terminate this proceeding. Paper 15, 1–2. The Parties further indicate that a related district court litigation, captioned *Synaptics Inc. v. Goodix Technology Inc. et al.*, Civil Action No. 3:15-cv-01742, was dismissed by the U.S. District Court for the Northern District of California on March 30, 2016; that the Parties filed a Joint Motion for Termination of Investigation Based on Settlement in a related U.S. International Trade Commission investigation, captioned *In the Matter of Certain Touchscreen Controllers and Products Containing the Same*, Inv. No. 337-TA-957 on March 29, 2016; that no other proceedings concerning the subject patent are contemplated by the Parties in the foreseeable future; that the Settlement Agreement was duly executed by the Parties on March 26, 2016; that the Settlement Agreement is the entire and complete settlement agreement between the Parties; and that, beyond the Settlement Agreement, there are no other written or oral agreements or

understandings, including any collateral agreements, between the Parties, including but not limited to other licenses, covenants not to sue, confidentiality agreements, or other agreements of any kind, that are made in connection with or in contemplation of the termination of this proceeding.

Id.

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. 48,756, 48,768 (Aug. 14, 2012). Although trial has been instituted, we have not decided the merits of the proceeding. *See* 35 U.S.C. § 317(a) (“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate . . .”). We are persuaded that, under these circumstances, termination of this proceeding is appropriate.

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Parties’ Joint Motion to Terminate Proceedings Under 35 U.S.C. § 317 (Paper 14) is *granted*;

FURTHER ORDERED that the Parties’ Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 15) is *granted*;

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FURTHER ORDERED that the Settlement Agreement (Exhibit 1018) shall be kept separate from the file of the above-referenced patent, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that this trial is terminated.

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