

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION, HUAWEI TECHNOLOGIES USA, INC.,
HUAWEI TECHNOLOGIES CO., LTD., HUAWEI DEVICE CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO., LTD., and
HUAWEI DEVICE USA, INC.,
Petitioners,

v.

RED ANVIL, LLC,
Patent Owner.

Case IPR2016-00003
Patent No. 5,680,223

Before TRENTON A. WARD, LYNNE E. PETTIGREW, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.05

On January 21, 2016, a conference call was held between counsel for the parties before Judges Zado, Ward, and Pettigrew. The parties requested authorization to file a joint motion to terminate the proceeding on the basis that the parties have reached a settlement agreement.¹

The parties are hereby authorized to file a joint motion to terminate pursuant to 37 C.F.R. § 42.72. The joint motion should include a brief description of the status of any district court litigations and any other proceedings that involve the patent at issue in this proceeding. This description should also explain how the settlement agreement and termination of this proceeding would impact each such related proceeding. The joint motion should also include a brief explanation of why the parties believe that termination of this proceeding is appropriate.

Pursuant to 37 C.F.R. § 42.74(b), any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing, and a true copy shall be filed with the Board. 37 C.F.R. § 42.74(b). A redacted version of an agreement or understanding is not a true copy. The parties may request that settlement agreements or understandings be treated as business confidential pursuant to 37 C.F.R. § 42.74(c), and may designate such materials as “Parties and Board Only” when filing them via the Patent Review Processing System

¹ Petitioners also requested to substitute back-up counsel, Kristen L. Reichenbach, with another registered patent attorney from the same law firm. To substitute Ms. Reichenbach, Petitioners must file a Mandatory Notice pursuant to 37 C.F.R. § 42.8 substituting Ms. Reichenbach with back-up counsel from the same law firm, and a Power of Attorney pursuant to 37 C.F.R. § 42.10 for newly designated back-up counsel. Petitioners must also modify the metadata in the Patent Review Processing System (PRPS) identifying Petitioners’ counsel.

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(PRPS). The request pursuant to 37 C.F.R. § 42.74(c) should be submitted as a separate filing. Attention of the parties is also directed to FAQ G2 on the Board's website page (<http://www.uspto.gov/ip/boards/bpai/prps.jsp>) for instructions on how to file a settlement agreement as confidential.

ORDER

Accordingly, it is:

ORDERED that the parties are authorized to file, within 5 business days of this Order, a joint motion to terminate the proceeding with respect to both Petitioners and Patent Owner;

FURTHER ORDERED that the joint motion must be accompanied by a true copy, labeled as an exhibit, of all settlement agreements and understandings under 37 C.F.R § 42.74(b); and

FURTHER ORDERED that the parties may file a separate motion pursuant to 37 C.F.R. § 42.74(c) requesting that settlement agreements or understandings be treated as business confidential information and kept separate from the underlying patent file, and designate such materials as "Parties and Board Only" when filing them via the Patent Review Processing System (PRPS).

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FOR PETITIONER:

John D. Vandenberg
Kristen L. Reichenbach
KLARQUIST SPARKMAN, LLP
john.vandenberg@klarquist.com
kristen.reichenbach@klarquist.com

FOR PATENT OWNER:

Matt Brower
browerlitigation@gmail.com

Brandon LaPray
Brandon@thetexaslawoffice.com