

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BATTERY-BIZ, INC.,  
Petitioner,

v.

COMARCO WIRELESS TECHNOLOGIES, INC.,  
Patent Owner

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Case IPR2016-00630 (Patent 7,863,770 B2)  
Case IPR2016-00632 (Patent 7,460,381 B2)<sup>1</sup>

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Before KEVIN F. TURNER, LYNNE E. PETTIGREW, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate Pursuant to Settlement  
*35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72–42.74*

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<sup>1</sup> We use this caption in this paper to indicate that this Order applies to, and is entered in, both cases. The parties are not authorized to use this caption.

Case IPR2016-00630 (Patent 7,863,770 B2)

Case IPR2016-00632 (Patent 7,460,381 B2)

On November 3, 2016, and pursuant to 35 U.S.C. § 317(a), the parties filed a joint motion to terminate in each of the above cited proceedings. IPR2016-00630, Paper 18; IPR2016-00632, Paper 19 (“joint motions”). Along with the joint motions, the parties filed a Settlement Agreement (Ex. 2002), along with copies of a stipulation of dismissal with prejudice (Ex. 2001) of the underlying litigation, *Comarco Wireless Technologies, Inc. v. Best Buy Stores, L.P.*, Civil Action No. 8:15-cv-00256 (C.D. Cal. 2015). We authorized the above filings during the conference call on October 6, 2016.

The parties represent that they have settled their disputes and memorialized their settlement in the written agreement submitted in each case. In the joint motions, the parties also represent that the settlement agreement resolves all disputes between the parties in the *inter partes* reviews and the related lawsuit. On this record, no motion by any third party for joinder with these *inter partes* reviews is pending.

This matter is at an early stage after the institutions of the proceedings. Upon consideration of the facts before us, we determine that it is appropriate to terminate the proceedings with respect to both parties. See 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. Therefore, the joint motions to terminate the proceedings are granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Case IPR2016-00630 (Patent 7,863,770 B2)

Case IPR2016-00632 (Patent 7,460,381 B2)

## ORDER

For the foregoing reasons, it is:

ORDERED that the joint motions to terminate in each of the IPR2016-00630 and IPR2016-00632 proceedings are *granted* and each of the proceedings is terminated with respect to both Petitioner and Patent Owner.

Case IPR2016-00630 (Patent 7,863,770 B2)

Case IPR2016-00632 (Patent 7,460,381 B2)

PETITIONER:

David A. Dillard

Sami I. Schilly

LEWIS ROCA ROTHGERBER CHRISTIE, LLP

[ddillard@lrrc.com](mailto:ddillard@lrrc.com)

[sschilly@lrrc.com](mailto:sschilly@lrrc.com)

PATENT OWNER:

Harris A. Wolin

Charles Quinn

GRAHAM CURTIN, PA

[hwolin@grahamcurtin.com](mailto:hwolin@grahamcurtin.com)

[cquinn@grahamcurtin.com](mailto:cquinn@grahamcurtin.com)