

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AT&T MOBILITY LLC,  
Petitioner,

v.

ADAPTIX, INC.,  
Patent Owner.

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Case IPR2016-00997  
Patent 8,934,445 B2

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Before JAMESON LEE, THOMAS L. GIANNETTI, and HUNG H. BUI,  
*Administrative Patent Judges*

BUI, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate Proceeding  
*37 C.F.R. §§ 42.72 & 42.74*

On August 4, 2016, the parties filed (1) a Joint Motion to Terminate Proceeding (Paper 8, “Mot.”), and (2) a Joint Motion to File Settlement Agreement as Business Confidential Information under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c) (Paper 7).

The parties indicate in their joint motion that they “have settled their dispute and have reached agreement to terminate this *Inter Partes* Review.” Mot. 2. The parties further indicate that they have entered into a Settlement Agreement dated July 15, 2016 (Ex. 2001) and request the Settlement Agreement (Ex. 2001) be treated as business confidential information pursuant 35 U.S.C. § 317(b).

As recognized by the parties, the proceeding is still in its “preliminary proceeding” stage.<sup>1</sup> Patent Owner has yet to file a Patent Owner Preliminary Response. The Board has yet to decide whether to institute a trial. Under the circumstances presented here, we determine that it is appropriate to terminate this preliminary proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant the parties’ joint motion to terminate.

We also grant the parties’ joint request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file. The parties further state that “because AT&T Mobility and Adaptix request this termination as to Petitioner AT&T Mobility, no estoppel under 35 U.S.C. § 315(e) shall attach to AT&T Mobility.” Mot. 2. We express no opinion regarding estoppel.

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<sup>1</sup> “Preliminary proceeding” is defined as the period from the filing of a petition for instituting a trial to the written decision as to whether a trial will be instituted. *See* 37 C.F.R. § 42.2.

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Accordingly, it is:

ORDERED that the parties' Joint Motion to Terminate Proceeding is *granted*;

FURTHER ORDERED that the parties' Joint Request to treat their Settlement Agreement (Ex. 2001) as business confidential information, to be kept separate from the patent file, under 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that this proceeding is terminated.

PETITIONER:

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