

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

Case IPR2017-00461
Patent 7,616,955 B2

Before JAMES B. ARPIN, BARBARA A. PARVIS, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Unopposed Motion to Dismiss Petition
37 C.F.R. §§ 42.71(a), 42.74

I. DISCUSSION

On December 9, 2016, Sony Corporation (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–30 of U.S. Patent No. 7,616,955 B2. Paper 1. On June 14, 2017, Petitioner filed an unopposed Motion to Dismiss the Petition, accompanied by a true copy of a written agreement settling the parties’ disputes regarding the ’955 patent. Paper 9¹; Ex. 1009. Furthermore, Petitioner and Broadcom Corporation (“Patent Owner”) filed a Joint Request to have their agreement treated as business confidential information under 37 C.F.R. § 42.74(c). Paper 10. The Motion represents that the parties “have settled their disputes, and have reached an agreement to terminate this IPR.” Paper 9, 2. The parties further certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding; the related district court litigation also has been settled; and there currently is no other pending litigation or proceeding involving the ’955 patent, and none is contemplated in the foreseeable future. *Id.* at 3.

This proceeding is in a preliminary stage, and we have not yet issued a Decision whether to institute an *inter partes* review. Under these

¹ Although titled “Unopposed Motion to Dismiss the Petition,” the Motion “request[s] termination of this *inter partes* review” pursuant to 35 U.S.C. § 317(a). Paper 9, 2. Section 317(a) provides, in relevant part, “[a]n *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.” 35 U.S.C. § 317(a) (emphasis added). Because we have not yet issued a Decision whether to institute an *inter partes* review, we treat the Motion as seeking *dismissal* of the Petition, as asserted in the Motion’s title.

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circumstances, Petitioner has demonstrated that dismissal of its Petition is warranted, and we grant Petitioner's Motion. *See* 37 C.F.R. § 42.71(a) (authorizing the Board to dismiss a petition). We also grant the parties' request to have their agreement treated as business confidential information pursuant to 37 C.F.R. § 42.74(c).

II. ORDER

Accordingly, it is:

ORDERED that Petitioner's Motion is granted and the Petition is *dismissed*; and

ORDERED that the parties' Joint Request that their agreement (Ex. 1009) be treated as business confidential information under 37 C.F.R. § 42.74(c) is *granted*.

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