

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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T-MOBILE US, INC. and T-MOBILE USA, INC.,  
Petitioner,

v.

HUAWEI TECHNOLOGIES CO., LTD.,  
Patent Owner.

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Case IPR2017-00671  
Patent 8,638,750 B2

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Before TREVOR M. JEFFERSON, PATRICK M. BOUCHER, and  
JOHN F. HORVATH, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

ORDER

*Granting* Motion to Terminate  
*37 C.F.R. §42.72*

and

*Granting* Request to Treat Settlement Documents  
As Business Confidential Information  
*37 C.F.R. § 42.74(c)*

## I. INTRODUCTION

On December 29, 2017, Petitioner and Patent Owner (“the parties”) jointly filed a motion to terminate this proceeding (Paper 16, “Mot.”), and a request to treat settlement documents as Business Confidential Information (Paper 17, “Req.”). For the reasons discussed below, the parties’ joint motion to terminate this proceeding is *granted*, and the parties’ joint request to treat settlement documents as Business Confidential Information is *granted*.

## II. DISCUSSION

Petitioner filed a Petition for *inter partes* review of the challenged claims of U.S. Patent No. 8,638,750 B2 (“the ’750 patent”) on January 19, 2017. Paper 3. Patent Owner filed a Preliminary Response on May 1, 2017 (Paper 8), and we instituted trial on July 31, 2017 (Paper 9). Patent Owner filed a Response to the Petition on November 13, 2017. Paper 14. We have yet to decide the merits of the Petition.

The parties’ joint motion to terminate requests termination of this proceeding because the parties have settled all of their disputes regarding the ’750 patent, including in this proceeding. Mot. 1. The parties aver that they have filed a true and correct copy of their Litigation Settlement Agreement as an exhibit to this proceeding, and that the Litigation Settlement Agreement constitutes the entire understanding and agreement between the parties. *Id.* at 2; *see also* Ex. 1028.

Under the foregoing circumstances, we determine it is appropriate to terminate this proceeding. *See* 35 U.S.C. § 317; *see also* 37 C.F.R. § 42.72. We also determine it is appropriate to treat the parties’ Litigation Settlement

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Agreement as Business Confidential Information, and to keep the Litigation Settlement Agreement separate from the files of the '750 patent.

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

### III. ORDER

It is hereby:

ORDERED that the Joint Motion of Petitioner and Patent Owner to Terminate Proceeding is *granted*;

FURTHER ORDERED that the trial instituted for IPR2017-00671 is terminated;

FURTHER ORDERED that the Joint Motion of Petitioner and Patent Owner to Treat Their Litigation Settlement Agreement as Business Confidential Information is *granted*; and

FURTHER ORDERED that Exhibit 1028 ("Litigation Settlement Agreement") be maintained as Business Confidential Information and kept separate from the files of U.S. Patent No. 8,638,750 B2.

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For PETITIONER:

Joseph F. Haag  
Peter M. Dichiara  
Evelyn C. Mak  
joseph.haag@wilmerhale.com  
peter.dichiari@wilmerhale.com  
evelyn.mak@wilmerhale.com

For PATENT OWNER:

Michael T. Hawkins  
W. Karl Renner  
Jeremy Monaldo  
Roberto Devoto  
Stuart A. Nelson  
Kevin K. Su  
Conrad A. Gosen  
IPR35548-0058IP1@fr.com  
AXF-PTAB@fr.com  
monaldo@fr.com  
devoto@fr.com  
PTABInbound@fr.com