

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORP.,
Petitioner,

v.

OPTUS WIRELESS TECHNOLOGY, LLC, and
OPTUS CELLULAR TECHNOLOGY, LLC
Patent Owners.

Case IPR2017-00749 (Patent 8,064,919)
Case IPR2017-00751 (Patent 8,199,792)
Case IPR2017-00754 (Patent 8,019,332)
Case IPR2017-00755 (Patent 8,174,506)¹

Before KEVIN F. TURNER, MIRIAM QUINN, and
JOHN P. PINKERTON, Administrative Patent Judges.

PINKERTON, *Administrative Patent Judge.*

DECISION

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

¹ This Decision addresses the same issues in these four *inter partes* reviews. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this style of filing in subsequent papers, without prior authorization.

Case IPR2017-00749 (Patent 8,064,919)
Case IPR2017-00751 (Patent 8,199,792)
Case IPR2017-00754 (Patent 8,019,332)
Case IPR2017-00755 (Patent 8,174,506)

On May 2, 2017, and pursuant to 35 U.S.C. § 317(a), the parties filed a joint motion to terminate in each of the above cited proceedings. IPR2017-00749, Paper 7; IPR2017-00751, Paper 6; IPR2017-00754, Paper 6; IPR2017-00755, Paper 6. Along with each joint motion, the parties filed a Settlement Agreement, involving all parties to the instant proceedings. IPR2017-00749, Ex. 1012; IPR2017-0751, Ex. 1010; IPR2017-00754, Ex. 1017; IPR2017-00755, Ex. 1018. The parties also filed in each case a joint request that the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2017-00749, Paper 8; IPR2017-00751, Paper 7; IPR2017-00754, Paper 7; IPR2017-00755, Paper 7. We authorized the above filings on Apr. 28, 2017.

The parties represent that they have settled their disputes and memorialized their settlement in the written agreement submitted in each case. *See, e.g.*, IPR2017-00749, Paper 7, 2–3. In the joint motions, the parties also represent that the settlement agreement resolves their disputes regarding the patents in the *inter partes* reviews and the related lawsuits. *Id.*

These matters are at a stage prior to institution, with no decision on the merits having been made. Upon consideration of the facts before us, we determine that it is appropriate to terminate the proceedings with respect to all parties. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. Therefore, the joint motions to terminate these proceedings are granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Case IPR2017-00749 (Patent 8,064,919)
Case IPR2017-00751 (Patent 8,199,792)
Case IPR2017-00754 (Patent 8,019,332)
Case IPR2017-00755 (Patent 8,174,506)

ORDER

For the foregoing reasons, it is:

ORDERED that the parties' joint request in each proceeding that the settlement agreement (IPR2017-00749, Ex. 1012; IPR2017-0751, Ex. 1010; IPR2017-00754, Ex. 1017; IPR2017-00755, Ex. 1018) be treated as business confidential information and be kept separate from the patent file is *granted*; and,

FURTHER ORDERED that the joint motion to terminate in each of the IPR2017-00749, IPR2017-00751, IPR2017-00754, and IPR2017-00755 proceedings is *granted* and each of the proceedings is terminated with respect to both Petitioner and Patent Owner.

Case IPR2017-00749 (Patent 8,064,919)
Case IPR2017-00751 (Patent 8,199,792)
Case IPR2017-00754 (Patent 8,019,332)
Case IPR2017-00755 (Patent 8,174,506)

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