

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DTS, INC. AND PHORUS, INC.,
Petitioner,

v.

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD.,
Patent Owner.

Case IPR2017-02201
Patent 6,684,060 B1

Before ROBERT J. WEINSCHENK, DANIEL J. GALLIGAN, and
SHEILA F. MCSHANE, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

DECISION

Dismissal of Petition and Termination of the Proceeding
37 C.F.R. §§ 42.71(a), 42.74

I. INTRODUCTION

The parties filed a Joint Motion to Terminate pursuant to 35 U.S.C. § 317 and 37 C.F.R. §§ 42.72 and 42.74. Paper 7 (“Mot.”). The parties also filed what they indicate are true copies of a Settlement Agreement and various related agreements. Exs. 2001–2006 (“Agreements”). In a Joint Request, the parties identified the Agreements as business confidential information and requested that the Agreements be kept separate from the patent file. Paper 6 (“Joint Request”).

II. ANALYSIS

Although the parties move to terminate pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72, these sections relate, respectively, to termination of “[a]n inter partes review instituted under this chapter” and to termination of “trial,” which “means a contested case instituted by the Board based upon a petition.” 35 U.S.C. § 317; 37 C.F.R. §§ 42.2, 42.72. This proceeding is in the preliminary stage, and no decision whether to institute a trial has been made. As such, we treat the parties’ request as seeking dismissal of the Petition to thereby terminate the proceeding.

The parties indicate that they have settled their disputes regarding U.S. Patent No. 6,684,060 B1. Mot. 3–4. The parties represent that “there are no other agreements or understandings, oral or written, between DTS and Avago, including any collateral agreements, made in connection with, or in contemplation of, the termination of the present proceeding.” Mot. 3. Under these circumstances, we determine that it is appropriate to dismiss the Petition (Paper 1) and terminate this proceeding. *See* 37 C.F.R. §§ 42.71(a), 42.74(a). We also determine that it is appropriate to treat the Agreements as

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business confidential information to be kept separate from the patent file.
See 37 C.F.R. § 42.74(c).

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is dismissed and this proceeding is terminated as to all parties; and

FURTHER ORDERED that the Joint Request to treat the Agreements (Ex. 2001–2006) as business confidential information to be kept separate from the patent file is *granted*.

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