

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HUAWEI DEVICE CO., LTD.,  
Petitioner,

v.

MAXELL, LTD.,  
Patent Owner.

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IPR2018-00209 (Patent 7,509,139 B2)  
IPR2018-00210 (Patent 6,928,292 B2)  
IPR2018-00233 (Patent 6,754,440 B2)<sup>1</sup>

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Before MELISSA A. HAAPALA, *Acting Vice Chief Administrative Patent Judge*, and MINN CHUNG, TERRENCE W. McMILLIN, JOHN A. HUDALLA, and AMBER L. HAGY, *Administrative Patent Judges*.<sup>2</sup>

CHUNG, *Administrative Patent Judge*.

ORDER CANCELING ORAL HEARING AND  
AUTHORIZING FILING OF MOTION TO TERMINATE

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<sup>1</sup> This Order addresses issues that are identical in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

<sup>2</sup> This is not a decision by an expanded panel of the Board.

IPR2018-00209 (Patent 7,509,139 B2)  
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### Conduct of the Proceeding

#### *37 C.F.R. § 42.5*

On February 15, 2019, the parties advised the Board via email that the parties have reached a settlement resolving all disputes between the parties in the above-identified proceedings and requested cancelation of the oral hearings scheduled on February 21, 2019. The parties also requested authorization to file a Motion to Terminate the proceedings.

As indicated in the Board's responsive email on February 15, 2019, the hearings scheduled for February 21, 2019, have been canceled.

The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which shall be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)–(b). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination of an *inter partes* review shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of such review. 35 U.S.C. § 317(b).

The parties are authorized to file a Joint Motion To Terminate in each of the above-identified proceedings. The Joint Motions To Terminate must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patents, and advise the Board whether any litigation or proceeding involving the subject patents is contemplated in the foreseeable future. The Joint Motions To Terminate also must include a copy of any agreement and include a statement certifying that there are no

IPR2018-00209 (Patent 7,509,139 B2)  
IPR2018-00210 (Patent 6,928,292 B2)  
IPR2018-00233 (Patent 6,754,440 B2)

collateral agreements or understandings made in connection with, or in contemplation of, the termination of the *inter partes* reviews. A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement agreement. *Id.*

In consideration of the foregoing, it is hereby:

ORDERED that the oral hearings scheduled on February 21, 2019 in IPR2018-00209, IPR2018-00210, and IPR2018-00233 are *anceled*; and

FURTHER ORDERED that the parties are authorized to file a Joint Motion To Terminate the proceeding and a Joint Request That The Settlement Agreement Be Treated As Business Confidential Information in each of IPR2018-00209, IPR2018-00210, and IPR2018-00233.

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