

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Cases IPR2018-01047 (Patent 9,516,129)
IPR2018-01048 (Patent 9,516,129); IPR2018-01049 (Patent 9,553,816)
IPR2018-01050 (Patent 9,247,019); IPR2018-01051 (Patent 9,516,127)
IPR2018-01052 (Patent 9,516,127); IPR2018-01101 (Patent 9,553,816)
IPR2018-01102 (Patent 8,811,952); IPR2018-01115 (Patent 8,078,158)
IPR2018-01116 (Patent 9,351,254); IPR2018-01117 (Patent 9,351,254)

Before THU A. DANG, KARL D. EASTHOM, JONI Y. CHANG,
THOMAS L. GIANNETTI, ROBERT J. WEINSCHENK, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.¹

CHANG, *Administrative Patent Judge*.

DECISION²

Granting Joint Motion to Terminate Proceeding
37 C.F.R. §§ 42.71(a) and 42.74

¹ This is not an expanded panel of the Board. It is a listing of all the Judges on the panels of the above-listed proceedings.

² This Decision governs each of the above-listed proceedings based on the common issues presented. The parties shall not use this heading style.

IPR2018-01047 (Patent 9,516,129); IPR2018-01048 (Patent 9,516,129)
IPR2018-01049 (Patent 9,553,816); IPR2018-01050 (Patent 9,247,019)
IPR2018-01051 (Patent 9,516,127); IPR2018-01052 (Patent 9,516,127)
IPR2018-01101 (Patent 9,553,816); IPR2018-01102 (Patent 8,811,952)
IPR2018-01115 (Patent 8,078,158); IPR2018-01116 (Patent 9,351,254)
IPR2018-01117 (Patent 9,351,254)

Google LLC (“Petitioner”) and SEVEN Networks, LLC (“Patent Owner”) filed a “Joint Motion to Terminate Proceeding” (Papers 30, “Joint Motion to Terminate”) and a “Joint Request to Treat Settlement Agreement as Business Confidential Information” (Papers 31) in each of the above-captioned cases (collectively “Joint Motions”).³ The parties represent that they have reached settlement as evidenced by a written Settlement Agreement (Ex. 2101, “Settlement Agreement”), filing a true copy of same as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 30.

Under 35 U.S.C. § 317(a), “[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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” As indicated in the Joint Motions, the parties are requesting termination prior to oral hearing and prior to the Board’s final written decision. Paper 30, 2. We also note that briefing has not been completed, as Patent Owner has not filed a Response, and Petitioner has not filed a Reply to Patent Owner’s Response.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.”

³ Citations refer to Case IPR2018-01051. The parties filed substantially identical papers in each case. Paper 30, 3.

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As the parties have filed their written settlement agreement, we determine it is appropriate to terminate each of these proceedings without rendering a Final Written Decision as to the patentability of challenged claims of the involved patents. *See* 37 C.F.R. §§ 42.72, 42.73, 42.74.

ORDER

It is

ORDERED that the parties' Joint Motion to Terminate in each of the above-captioned cases is *granted*, and each proceeding is *terminated*; and

FURTHER ORDERED that the parties' Joint Request to Treat the Settlement Agreement as Business Confidential Information in each of the above-captioned cases is *granted*, and the Settlement Agreement (Exhibit 2101) in each case shall be kept separate from the pertinent file consistent with 37 C.F.R. § 42.74(b).

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