

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA), INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2019-00461
Patent 9,516,129 B2

Before THU A. DANG, KARL D. EASTHOM, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION
Motion to Terminate
37 C.F.R. § 42.71(a)

I. BACKGROUND

On January 2, 2019, ZTE (USA) LLC (“ZTE”) filed a Petition (Paper 2) requesting an *inter partes* review of claims 1–11, 13, 14, 17–27, 29, 30, 34, and 35 of U.S. Patent 9,516,129 B2 (Ex. 1001). With its Petition, ZTE filed a Motion for Joinder. Paper 3 (“Joinder Motion”). The Motion for Joinder requested joinder with *Google LLC v. Seven Networks, LLC*, IPR2018-01048 (the “Google IPR”).

On February 14, 2019, the Board entered an order in the Google IPR granting a joint motion to terminate the proceedings as a result of a settlement between Google LLC and Patent Owner. Ex. 2017.

On June 20, 2019, with Board authorization, Petitioner and Patent Owner filed a “Joint Motion to Terminate Pursuant to 35 U.S.C. § 317” (Paper 16, “Joint Motion to Terminate”) and a “Joint Request to Treat [the] Settlement Agreement as Business Confidential Information” (Paper 17). The parties represent that they have resolved their disputes and reached settlement regarding the challenged patent as evidenced by a written settlement agreement, which they have filed as required under 37 C.F.R. § 42.74(b). Paper 16, 2–4; Ex. 2101. The parties also represent that no other agreements exist between the parties concerning this case. Paper 16, 1, 4–5.

At this early stage, we determine that termination is warranted for the reasons stated in the Joint Motion to Terminate.

We further determine that the Settlement Agreement (Ex. 2101) filed by the parties constitutes business confidential information. Therefore, we find there is good cause to grant the parties’ Joint Request to Treat [the] Settlement Agreement as Business Confidential Information (Paper 17).

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II. ORDER

In consideration of the foregoing, it is hereby

ORDERED that the parties' Joint Motion to Terminate is *granted*, and this case is *terminated*;

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

FURTHER ORDERED that Petitioner's Joinder Motion is dismissed as moot.

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