

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2019-00667
Patent 8,682,357 B2

Before BRIAN J. McNAMARA, DAVID C. McKONE, and
AMBER L. HAGY, *Administrative Patent Judges*.

HAGY, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Terminate Proceeding Due to
Settlement before Institution and
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. On April 29, 2019, we authorized the Parties via email to file a joint motion to terminate the above-identified proceeding. Exhibit 1027. On April 29, 2019, the Parties filed a Joint Motion to Terminate the above-identified proceeding (“Joint Motion”). Paper 8. The Parties filed a Settlement Agreement (Exhibit 1029), and filed a Joint Request that Settlement Agreement Be Treated as Business Confidential Information and Kept Separate (“Joint Request”). Paper 9.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, that the filed copy of the Settlement Agreement is a true copy, and that there are no other written or oral agreements. Joint Motion 1–4. Further, the Settlement Agreement indicates it is a complete agreement. Settlement Agreement 22. The Parties also represent that their settlement agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving Patent 8,682,357. Joint Motion 3.

We have not yet instituted a trial on the above-identified proceeding. Nor have we decided the merits of the proceeding, and a final written decision has not been entered in the proceeding. The Parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

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The Parties also request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of Patent 8,682,357. Joint Request 1. Pursuant to 37 C.F.R. § 42.74(c), we grant this request.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and IPR2019-00667 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information is *granted*, and the Settlement Agreement shall be kept separate from the file of U.S. Patent 8,682,357 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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