

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOD TECHNOLOGY SOFTWARE, INC.,  
Petitioner,

v.

MOBILEIRON, INC.,  
Patent Owner.

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Case IPR2015-00833  
Patent 8,340,633 B1

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Before JUSTIN BUSCH, JENNIFER MEYER CHAGNON, and  
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

JUDGMENT  
*Termination of Proceeding*  
37 C.F.R. §§ 42.72 and 42.73

On November 30, 2015, Patent Owner, MobileIron, Inc. (“MobileIron”), and Petitioner, Good Technology Software, Inc. (“Good Technology”), filed a joint motion to terminate the trial proceeding under 35 U.S.C. § 317(a) (Paper 10), a true copy of the written settlement agreement (Ex. 1009). The parties also requested to have the settlement agreement treated as business confidential information and kept separate, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. Paper 10, 3 n.1.

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.”

Generally, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). On September 16, 2015, the Board determined, under 35 U.S.C. § 314, to institute a review of U.S. Patent No. 8,340,633 (“the ’633 patent”). Paper 7. MobileIron, however, has not filed a Patent Owner Response, and Good Technology has not filed a Reply. More importantly, no final written decision has been entered in this proceeding, and the parties have filed a joint motion to dismiss the copending litigation in the District Court. Paper 10, 3; Ex. 1009.

The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding. 37 C.F.R. § 42.73.

Accordingly, it is:

ORDERED that the joint motion to terminate this proceeding with respect to both parties is GRANTED, and this proceeding is hereby terminated; and

FURTHER ORDERED that the parties' joint request that the written settlement agreement (Ex. 1009) be: (i) treated as business confidential information; (ii) kept separate from the file of the '633 patent; (iii) kept confidential from any third party; and (iv) made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

PETITIONER:

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