

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEC CORPORATION (JAPAN),
Petitioner,

v.

ADAPTIX, INC.,
Patent Owner.

Case IPR2016-01097
Patent 8,934,445 B2

Before JAMESON LEE, THOMAS L. GIANNETTI, and HUNG H. BUI,
Administrative Patent Judges

BUI, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate Proceeding
37 C.F.R. §§ 42.72 & 42.74

On August 10, 2016, the parties filed (1) a Joint Motion to Terminate Proceeding (Paper 6, “Mot.”) and (2) a Joint Request to File Settlement Agreement as Business Confidential Information under 37 C.F.R. § 42.74(c) (Paper 7, “Req.”).

The parties indicate in their joint motion that they have entered into a Settlement Agreement dated August 3, 2016 (Ex. 1025) and request that the Settlement Agreement (Ex. 1025) be treated as business confidential information under 35 U.S.C. § 42.74(c).

As recognized by the parties, the proceeding is still in its “preliminary proceeding” stage.¹ Patent Owner has yet to file a Patent Owner Preliminary Response. The Board has yet to decide whether to institute a trial. Under the circumstances presented here, we determine that it is appropriate to terminate this preliminary proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant (1) the parties’ joint motion to terminate the proceeding and (2) the parties’ joint request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file.

Accordingly, it is:

ORDERED that the parties’ joint motion to terminate this proceeding is *granted*;

FURTHER ORDERED that the parties’ joint request that the settlement agreement (Ex. 1025) be treated as business confidential information, to be kept separate from the patent file, under 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that this proceeding is *terminated*.

¹ “Preliminary proceeding” is defined as the period from the filing of a petition for instituting a trial to the written decision as to whether a trial will be instituted. *See* 37 C.F.R. § 42.2.

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