Trials@uspto.gov
Tel: 571-272-7822

Paper 9
Entered: January 19, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2016-01576 (Patent 5,754,946)
Case IPR2016-01581 (Patent 5,754,946)

Before MEREDITH C. PETRAVICK, SCOTT A. DANIELS, and MIRIAM L. QUINN, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceedings
37 C.F.R. § 42.72

On January 3, 2017, Petitioner Microsoft Corporation ("Microsoft") and Patent Owner Mobile Telecommunications Technologies, LLC ("MTEL") filed a "Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317" ("Mot."), and "Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317." IPR2016-

01576 Papers 7, 8; IPR2016-01581 Papers 7, 8.[1] The parties also filed, with "Board Only" accessibility, a true copy of their confidential settlement agreement in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Exhibit 2001.

The Board has not yet instituted trial in this proceeding, thus, this proceeding is in its initial stages. The parties indicate that they "have settled their dispute, and have reached agreement to terminate this *inter partes* review." Mot. 1. The motion also states that Microsoft does not oppose termination of the proceedings and that the parties have settled their district court litigation. *Id.* at 3–4.

MTEL filed separately, as Exhibit 2002, additional arguments as to why it would be appropriate for the panel to terminate the proceeding as to Patent Owner. Those arguments should have been presented in the body of the motion, not as an attachment to the motion, as the arguments form part of the full statement of the reasons for the relief requested in a motion to terminate. *See* 37 C.F.R. §42.22(a)(2). Therefore, the arguments presented in Exhibit 2002 will not be considered.

Under these circumstances and considering the parties' arguments presented in the motion, we determine that it is appropriate to enter judgment.[2] *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

It is

ORDERED that the parties' joint motions to terminate IPR2016-01576 and IPR2016-01581 are *granted*;

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[1] The filings in each of these proceedings are identical, and, therefore, we refer from here on to the filings in case IPR2016-01576.

[2] A *judgment* means a final written decision by the Board, or a *termination* of a proceeding. 37 C.F.R. § 42.2.

FURTHER ORDERED that the instant proceedings are hereby terminated in their entirety; and

FURTHER ORDERED that, as was requested timely by the parties the settlement agreement in these proceedings will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

For PETITIONER:

Chun M. Ng
CNg@perkinscoie.com
patentprocurement@perkinscoie.com

Theodore H. Wimsatt
TWimsatt@perkinscoie.com

Jared W. Crop
JCrop@perkinscoie.com

For PATENT OWNER:

John R. Kasha
Kasha Law LLC
john.kasha@kashalaw.com

Kelly L. Kasha
Kasha Law LLC
kelly.kasha@kashalaw.com