

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

Case IPR2017-01544
Patent 7,342,967

Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Termination of Trial
35 U.S.C. § 317, 37 C.F.R. §§ 42.72 and 42.74

I. DISCUSSION

On April 9, 2018, with Board authorization, the parties filed a Joint Motion to Terminate¹ along with what they indicate is a true copy of their settlement agreement.² In the Joint Motion to Terminate, the parties represent that they have settled their disputes regarding the patents at issue in these proceedings, including the litigation before the U.S. District Court for the Central District of California and before the U.S. International Trade Commission, and they state that “[t]here are no additional collateral agreements or understandings made in connection with, or in contemplation of, termination of the *inter partes* review.”³

The parties also filed a Joint Request to have their settlement agreement treated as business confidential information and kept separate from the file of the respective patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).⁴

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.” Further, under 35 U.S.C. § 317(b),

[a]ny agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an inter partes review under this section shall be in writing and a true copy of such

¹ Paper 14.

² Ex. 1015.

³ Paper 14, 1–2.

⁴ Paper 15.

agreement or understanding shall be filed in the Office before the termination[.]

As the parties have filed their written settlement agreement and jointly requested termination, we determine that it is appropriate to terminate these proceedings without rendering final written decisions under 35 U.S.C. § 318(a). *See* 35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74.

Accordingly, the Joint Motion to Terminate the above-identified proceeding and the Joint Request to treat the settlement agreement as business confidential information are granted. As requested by the parties, the settlement agreement will be treated as business confidential information and will be kept separate from the patent file. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

II. ORDER

Therefore, it is

ORDERED that the parties' Joint Request that their settlement agreement (Ex. 1015) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are GRANTED; and

FURTHER ORDERED that the parties' Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

IPR2018-00477
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