

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

BASCOM RESEARCH, LLC,
Patent Owner.

Case CBM2014-00138
Patent No. 7,389,241

Before MIRIAM L. QUINN, NEIL T. POWELL, and BETH Z. SHAW,
Administrative Patent Judges.

QUINN, *Administrative Patent Judge.*

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

On February 19, 2015, the parties filed a joint motion to terminate the instant proceeding. CBM2014-00138, Paper 14. In support of the motion, the parties allege that they have agreed to terminate the proceeding because, in the related district court litigation, the parties stipulated to end the dispute regarding the '241 patent, and that judgment against the plaintiff was entered. *Id.* at 2–3; Exs. 1011–12. The District Court of the Northern District of California entered judgment on January 5, 2015, wherein the court granted summary judgment in favor of defendant, i.e., the court ruled that the '241 patent claims are invalid under 35 U.S.C. § 101. Ex. 1010. The parties filed a copy of the Stipulation, which the parties contend constitutes the written agreement required under 37 C.F.R. § 42.74(b). Ex. 1012. For example, the Stipulation states that “Bascom agrees not to appeal the judgment in this [district court] action to the U.S. Court of Appeals for the Federal Circuit,” and that “Facebook agrees to submit appropriate papers to the PTAB to request the dismissal as moot of the pending Covered Business Method (CBM) review of the '241 patent.” *Id.* at 2.

Upon consideration of the request before us, terminating the instant proceeding promotes efficiency and minimizes unnecessary costs. In particular, there is no remaining public interest in a determination of patentability of the '241 patent because Patent Owner has agreed not to appeal the ruling of invalidity by the district court. Based on the facts of this case, it is appropriate to enter judgment.¹ *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

¹ A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

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Accordingly, it is:

ORDERED that the joint motion to terminate CBM2014-00138 is
granted;

FURTHER ORDERED that the instant proceeding is hereby
terminated as to all parties.

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