

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY INC. and PAYPAL, INC.,
Petitioner,

v.

PURPLE LEAF, LLC,
Patent Owner.

Case CBM2015-00052
Patent 8,744,963 B1

Before BART A. GERSTENBLITH, JAMES A. TARTAL, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

TERMINATION OF TRIAL
37 C.F.R. § 42.72

I. DISCUSSION

Purple Leaf, LLC (“Patent Owner”) and eBay Inc. and PayPal, Inc. (collectively, “Petitioner”) filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 327(a) and 37 C.F.R. § 42.72. Paper 33. Along with their motion, the parties filed a “true and correct” copy of a document they describe as the parties’ agreement (Ex. 1053). *Id.* at 2. The parties

represent that there are no other agreements, oral or written, between them made in connection with, or in contemplation of, the termination of this proceeding. *Id.* The parties also filed a joint request to treat the parties' agreement as business confidential information and kept separate under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). Paper 34.

Generally, the Board expects that a proceeding will terminate 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). Although trial has been instituted, we have not decided the merits of the proceeding. *See* 35 U.S.C. § 327(a) ("A post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed."); 37 C.F.R. § 42.72 ("The Board may terminate a trial without rendering a final written decision, where appropriate . . .").¹ We are persuaded that, under these circumstances, termination of this proceeding is appropriate.

II. ORDER

Accordingly, it is:

ORDERED that the joint motion to terminate this proceeding (Paper 33) is *granted*;

FURTHER ORDERED that the joint request to treat the agreement (Ex. 1053) as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government

¹ *See also* 37 C.F.R. § 42.300(a) ("A covered business method patent review is a trial subject to the procedures set forth in subpart A of this part and is also subject to the post-grant review procedures set forth in subpart C . . .").

agencies on written request, or to any person on a showing of good cause,
under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c)
(Paper 34), is *granted*; and

FURTHER ORDERED that this trial is terminated.

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