

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GODADDY.COM, LLC,
Petitioner,

v.

WHITSERVE LLC,
Patent Owner.

Case CBM2015-00066
Patent 5,895,468

Before JACQUELINE WRIGHT BONILLA, BENJAMIN D. M. WOOD,
and FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On August 5, 2015, the parties filed a Joint Motion to Terminate the Proceeding pursuant to a settlement agreement. Paper 17 (“Mot.”). With the joint motion, the parties filed a redacted copy of their written settlement covering Patent 5,895,468 (“the ’468 patent”), involved in this proceeding. By email communication on August 6, 2015, we instructed the parties to file an unredacted copy of the settlement agreement as “Corrected Exhibit 1020” because a redacted copy is not a **true copy** of a settlement agreement, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Ex. 1020.¹ The parties filed an unredacted copy of Exhibit 1020 on August 7, 2015. The parties have also filed a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). Paper 18.

The instant proceeding is still in the preliminary stages. Patent Owner filed a Preliminary Response on May 11, 2015. We have not yet determined whether to institute a covered business method patent review. The parties represent that the related district court case between the parties involving the ’468 patent was dismissed with prejudice on August 4, 2015. Mot. 3. Patent Owner further represents that the ’468 patent is not presently being asserted against any other party in any other pending lawsuit, and that no litigation or proceeding involving the ’468 patent is contemplated in the foreseeable future. *Id.* at 3–4. Under the circumstances, the Board determines that it is appropriate to terminate the proceeding without rendering a final written decision. *See* 37 C.F.R. § 42.72.

¹ Citations to Exhibit 1020 refer to a “Corrected” version of the exhibit filed on August 7, 2015.

Accordingly, it is

ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that the settlement agreement (Exhibit 1020, “Corrected Exhibit 1020”) be treated as business confidential information, kept separate from the file of U.S. Patent No. 5,895,468, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions 37 C.F.R. § 42.74(c).

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Patent 5,895,468

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