

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHOUTPOINT, INC. and VICTORY SOLUTIONS, LLC,
Petitioner,

v.

BROADNET TELESERVICES, LLC,
Patent Owner.

Case CBM2015-00176 (Patent 8,881,027 B1)
Case CBM2015-00177 (Patent 9,081,485 B1)¹

Before JAMES B. ARPIN, KEVIN W. CHERRY, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73(a)

¹ This Judgment addresses issues that are identical in each case. We, therefore, exercise our discretion to issue one Judgment to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

CBM2015-00176 (Patent 8,881,027 B1)
CBM2015-00177 (Patent 9,081,485 B1)

On November 5, 2015, the parties filed a Joint Motion to Terminate (Paper 8)² pursuant to 35 U.S.C. § 327(a) in each of the above-captioned cases. In addition, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), Petitioner filed a copy of a Settlement Agreement (Ex. 1016), along with a Joint Request to File Settlement Agreement As Business Confidential Information Pursuant 35 U.S.C. § 327 (Paper 9), to be kept separate from the patent files, in each case.

These cases are in the preliminary proceeding³ stage; no decision whether to institute a trial has been made. The parties have requested that the co-pending district court litigation between the parties be dismissed, with prejudice; and the parties have represented that they have settled their disputes regarding the patents at issue. See Paper 9, 1. Under these circumstances, we determine that it is appropriate to terminate these cases without rendering final written decisions. 37 C.F.R. § 42.74. Based on the facts of these cases, it is appropriate to enter this judgment.⁴ Therefore, the Joint Motions to Terminate are *granted*.

Accordingly, it is

ORDERED that the parties' requests that the Settlement Agreement be treated as business confidential information, to be kept separate from the patent files, are *granted*;

FURTHER ORDERED that the Joint Motions to Terminate are *granted*; and

² The same paper and exhibit numbers are applicable to each case.

³ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

⁴ 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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FURTHER ORDERED that the cases are *terminated*.

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