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Paper 14
Filed: April 5, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

HBAC MATCHMAKER MEDIA, INC.,
Patent Owner.

Case CBM2017-00017
Patent 6,002,393

Before TRENTON A. WARD, GEORGIANNA W. BRADEN, and CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Terminate
37 C.F.R. §§ 42.5, 42.72, 42.74(c)

On April 3, 2017, with Board authorization, the parties filed a joint motion to terminate the proceeding (Paper 12), along with what they indicate is their written settlement agreement (Ex. 1041). According to the joint motion, the parties have settled their disputes, and have reached agreement to terminate the above-captioned CBM proceeding. *See* Paper 12, 2. The parties further request confidential treatment of the settlement agreement, pursuant to 37 C.F.R. § 42.74(c). Paper 11.

The joint request to treat the settlement agreement as business confidential information includes a request that the settlement agreement be kept separate from the patent file. Paper 11, 3; *see also* 37 C.F.R. § 42.74(c) ("A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.").

The parties indicate good cause exists to terminate the above-identified CBM Proceeding. Paper 12, 3. In addition to being unopposed, the parties indicate that no Preliminary Response has been filed, the Board has not issued a decision on institution, and the settlement agreement ends all disputes related to the subject patent between the parties. *Id.* We agree that this proceeding is at an early stage. The Patent Owner, HBAC Matchmaker Media, Inc., has not filed a preliminary response, and the Board has not issued a decision on whether to institute trial. Based on the facts of this case, it is appropriate to terminate the proceedings, because doing so will preserve the Board's resources and the parties' resources while also comporting the Patent Office's policy of "secur[ing] the just, speedy, and inexpensive resolution" of proceedings before the Board. 37 C.F.R. § 42.1(b).

Accordingly, the joint motion to terminate the above-identified proceeding and the joint request to treat the settlement agreement as business confidential information is granted. As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent file. 37 C.F.R. § 42.74(c). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 328(a).

Therefore, it is

ORDERED that the joint motion to terminate the above-captioned proceeding is granted;

FURTHER ORDERED that the proceeding in CBM2017-00017 is terminated pursuant to 37 C.F.R. §§ 42.5, 42.72, 42.74(c); and

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 1041) be treated as business confidential information, be kept separate from the file of each involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 37 C.F.R. § 42.74(c) is granted.

CBM2017-00017
Patent 6,002,393

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