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Paper 26
Entered: December 20, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DISH NETWORK CORPORATION
and DISH NETWORK L.L.C.,
Petitioner,

v.

CUSTOMEDIA TECHNOLOGIES, L.L.C.,
Patent Owner.

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Cases CBM2017-00031,
IPR2017-00638, -00639[1]
Patent 8,955,029

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Before MEREDITH C. PETRAVICK, MICHAEL W. KIM, and KALYAN K. DESHPANDE, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

# ORDER
Granting Joint Motion to Terminate Proceeding and
Granting Joint Request to Treat Agreement
as Business Confidential Information
*37 C.F.R. §§ 42.72, 42.74*

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[1] This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

On December 1, 2017, the Board authorized DISH Network Corporation and DISH Network L.L.C. (collectively, "Petitioner") and Customedia Technologies, L.L.C. ("Patent Owner") to file motions to terminate the above-identified proceedings. On December 5, 2017, the parties filed a Joint Motion to Terminate in each of the above-identified proceedings. Paper 23 ("Joint Motion" or "Joint Mot.").[2] The parties have also filed a copy of their settlement agreement covering U.S. Patent No. 8,955,029 in each of the above-identified proceedings. Ex. 1018 ("Agreement"). The parties represent that the filed copy of the Agreement is a true copy. Joint Mot. 1. With the Agreement, the parties additionally filed a Joint Request to Treat Information as Confidential (Paper 24 ("Joint Request")), and in that paper, further requested that the Agreement be kept separate from the patent file under 35 U.S.C. §§ 317(b), 327(b) and 37 C.F.R. § 42.74(c).

Although the Board has instituted trial (Paper 10), the proceedings are still in their early stages, as Patent Owner has not filed a Response to the Petition, and Petitioner has not filed a Reply in any of the proceedings. The parties indicate that, pursuant to the Agreement, they have settled their disputes regarding U.S. Patent No. 8,955,029 in these proceedings, as well as in the underlying litigation in the Eastern District of Texas (Case No. 2:16-cv-00129, captioned *Customedia Tech., L.L.C. v. DISH Network Corp. and DISH Network L.L.C.*). Joint Mot. 1. The parties represent that "[t]here are no collateral agreements or understandings made in connection with, or

[2] For expediency, we refer to the papers filed in CBM2017-00031. The parties filed similar papers in IPR2017-00638 and IPR2017-00639.

in contemplation of, the termination of th[ese] proceeding[s]." *Id.* at 1–2. Under these circumstances, we determine that it is appropriate to terminate these proceedings for all parties. *See* 37 C.F.R. §§ 42.5(a), 42.72. We also determine that it is appropriate to treat the Agreement as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. §§ 317(b), 327(b); 37 C.F.R. § 42.74(c).

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motions are *granted*;

FURTHER ORDERED that these proceedings are terminated as to all parties; and

FURTHER ORDERED that the Joint Requests to treat the Agreement (Ex. 1018) as business confidential information to be kept separate from the patent file under 35 U.S.C. §§ 317(b), 327(b) and 37 C.F.R. § 42.74(c) are *granted*.

PETITIONER:

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