

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED VOICE & SPEECH TECHNOLOGIES
Petitioner,

v.

IPVX PATENT HOLDINGS, INC.
Patent Owner.

Case IPR2013-00216 (JYC)
Patent 5,572,576

Before STEPHEN C. SIU and JONI Y. CHANG,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.73

On July 19, 2013, the parties filed a joint motion to terminate the instant proceeding accompanied by a true copy of a settlement agreement and a joint request to treat the settlement agreement as business confidential, pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74. (Papers 14 and 15; Ex. 2001.)

The parties indicate that they have reached an agreement resolving the dispute in the instant proceeding and the related litigation. (Paper 14.) They also filed a copy of the Agreed Motion to Dismiss with Prejudice the related litigation. (Ex. 2002.) The Motion was granted and, as the result, the related litigation was dismissed on July 8, 2013. (Paper 14.) The parties urge the Board to terminate the instant proceeding, as the proceeding is in its preliminary stage and neither party has had an opportunity to present evidence and arguments. (*Id.*)

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.* 48756, 48768 (Aug. 14, 2012). Applied Voice & Speech Technologies, Inc. (“AVST”) filed a petition for an *inter partes* review on March 26, 2013. (Paper 1.) The Board has not authorized institution of the *inter partes* review. As no trial has been instituted based on AVST’s petition, this proceeding is in the preliminary proceeding¹ stage. Based on the facts of this case, it is appropriate to enter judgment.²

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

² 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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Accordingly, it is

ORDERED that the joint request that the settlement agreement be treated as business confidential information is GRANTED;

FURTHER ORDERED that the joint motion to terminate the instant proceeding is GRANTED; and

FURTHER ORDERED that the instant proceeding is TERMINATED.

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