

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIGITAL EMPIRE LIMITED,
Petitioner,

v.

HILLTOP TECHNOLOGY LLC,
Patent Owner.

Case IPR2014-00584
Patent 7,864,503 B2

Before KEN B. BARRETT, JAMES B. ARPIN, and BRIAN P. MURPHY,
Administrative Patent Judges.

ARPIN, *Administrative Patent Judge.*

ORDER
Termination of the Proceeding
37 C.F.R. § 42.74

On June 12, 2015, the parties filed a Joint Motion to Terminate (Paper 14, “Joint Mot.”) pursuant to 35 U.S.C. § 317(a), as well as 37 C.F.R. §§ 42.72 and 42.74(a). Contemporaneously, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R.

§ 42.74(c), the parties filed a Joint Motion to File Settlement Agreement as Business Confidential Information (Paper 15) and a true copy of a Settlement Agreement (Ex. 1020).

Although we are at a late stage in this proceeding and all due dates set forth in the Scheduling Order (Paper 8) have passed, no final written decision has been entered. The parties previously have identified a related, co-pending U.S. litigation between the parties (Paper 5, 2) and now inform us that “[t]he dispute underlying this proceeding has been conclusively resolved with the assignment of [U.S. Patent No. 7,864,503 B2 (Ex. 1001, “the ’503 patent”)] to the Petitioner as a joint owner. There are no other proceedings that involve any third parties and that could be impacted by the outcome of this proceeding.” See Joint Mot. 2. Thus, the parties represent that the filed agreement settles all disputes between the parties with respect to the above-captioned proceeding. *Id.* Further, we note that, according to the Office’s Patent Application Information Retrieval system, the ’503 patent currently is expired due to the non-payment of maintenance fees. Under these circumstances, we determine that good cause exists to terminate this proceeding at this late stage, without rendering a final written decision.

ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that Joint Motion to File Settlement Agreement as Business Confidential Information is *granted*;

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FURTHER ORDERED that the Settlement Agreement (Ex. 1020) shall be treated as business confidential information, to be kept separate from the patent file; and

FURTHER ORDERED that the case is *terminated*.

PETITIONER:

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