

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TY-FLOT, INC.,
Petitioner,

v.

PYTHON SAFETY, INC.,
Patent Owner.

Case IPR2014-01489
Patent 8,646,768 B2

Before MIRIAM L. QUINN, MEREDITH C. PETRAVICK, and JAMES P.
CALVE, *Administrative Patent Judges*.

CALVE, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
35 U.S.C. § 317 and C.F.R. § 42.72

I. DISCUSSION

On May 20, 2015, the parties filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317(A) (“Joint Motion to Terminate”) representing that they had settled all of their disputes relating to U.S. Patent No. 8,646,768 (“the ’768 patent”) and jointly requesting termination of this *inter partes* review. Paper 11, 2. The parties also filed a true copy of their Confidential Settlement Agreement (“Settlement Agreement,” Ex. 2001) and requested that the Settlement Agreement be treated as business confidential information and kept separate from the ’768 patent file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). *Id.* at 2, 3–4. The parties represent that the sole, related district court litigation involving the ’768 patent was settled by joint stipulation filed on May 20, 2015. *Id.* at 3.

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” In addition, “[i]f no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” 35 U.S.C. § 317(a). We instituted an *inter partes* review of the ’768 patent on December 16, 2014. Paper 7. The parties state in their Joint Motion to Terminate that they have not completed their submissions, such as Petitioner’s Reply to Patent Owner’s Response, Motions for Observations, Motions to Exclude Evidence, responses, and replies thereto, and the Oral Hearing is scheduled for August 5, 2015. Paper 11, 2. Petitioner Ty-Flot, Inc. is the sole petitioner in this review.

Upon consideration of the circumstances of this case, we determine that it is appropriate to terminate this proceeding without rendering a final written decision. *See* 37 C.F.R. § 42.72.

II. ORDER

Accordingly, it is:

ORDERED that the parties joint request to treat the Confidential Settlement Agreement (Ex. 2001) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the parties' Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317(A) is *granted*, and this proceeding is hereby *terminated*.

IPR2014-01489
Patent 8,646,768 B2

For PETITIONER:

Robert R. Deleault
Ross K. Krutsinger
MESMER & DELEAULT, PLLC
bob@biz-patlaw.com
ross@biz-patlaw.com

For PATENT OWNER:

James W. Kayden
MCCLURE, QUALEY & RODACK, LLP
kayden@mqlaw.com

Jeffrey T. Breloski
MORRIS, MANNING, & MARTIN, LLP
jbreloski@mmmlaw.com