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Paper 14
Entered: August 31, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARUZE GAMING AMERICA, INC.,
Petitioner,

v.

MGT GAMING, INC.,
Patent Owner.

Case IPR2015-00295
Patent 8,500,554 B2

Before RICHARD E. RICE, CHRISTOPHER L. CRUMBLEY, and CARL M. DEFRANCO, *Administrative Patent Judges.*

CRUMBLEY, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
*37 C.F.R. § 42.72*

On August 25, 2015, pursuant to Board authorization, Petitioner Aruze Gaming America, Inc., and Patent Owner MGT Gaming, Inc., filed a

Joint Motion to Terminate this *inter partes* review. Paper 11. With the Joint Motion, the parties filed a copy of their written settlement agreement covering various matters involving the patent at issue in this proceeding. Ex. 1012. The parties concurrently filed a Joint Request to have the settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 12.

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 this proceeding, the Board has not yet reached a decision on the merits with respect to the patentability of any involved claim. Accordingly, the requirement for terminating the review with respect to Aruze, as Petitioner, is met.

Furthermore, "[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). The Board, therefore, has discretion to terminate this review with respect to MGT. In their Joint Motion, the parties note the early stage of the proceeding and the fact that the settlement agreement ends all disputes between the parties as to the subject patent. Paper 11, 1.

Based on the present record, we determine that it is appropriate to terminate this *inter partes* review as to both Petitioner and Patent Owner without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

In light of the foregoing, it is

ORDERED that the parties' Joint Request (Paper 12) to have their settlement agreement (Ex. 1012) treated as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate this proceeding (Paper 11) is *granted*; and

FURTHER ORDERED that this *inter partes* review is hereby *terminated*.

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