

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.,
Petitioner,

v.

ROTHSCHILD STORAGE RETRIEVAL INNOVATIONS, LLC,
Patent Owner.

Case IPR2015-00474
Patent 8,437,797 B2

Before JAMES A. TARTAL, PATRICK M. BOUCHER, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. § 42.72, 42.74

On October 28, 2015, we authorized Google, Inc. (“Petitioner”) and Rothschild Storage Retrieval Innovations, LLC (“Patent Owner”) to file a joint motion to terminate this proceeding due to settlement. We also authorized the parties to file a joint request to treat the underlying settlement agreement as business confidential information. On October 29, 2015, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74, the parties filed a Joint Request to terminate this proceeding and to treat the submitted settlement agreement (Ex. 1017) as business confidential information (“Joint Mot.”). Paper 14. In the joint motion, the parties represent that “a true and complete copy of the confidential settlement agreement” has been submitted electronically via the Patent Review Processing System (PRPS) as “Parties and Board Only.” Joint Mot. 5.

“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a). The Office has not yet decided the merits of this proceeding, and a final written decision has not been entered. The parties represent that no other *inter partes* review concerning the patent at issue is filed or pending. Joint Mot. 3. The parties previously have identified related, co-pending U.S. district court proceedings (Paper 6), and the parties represent that the related district court proceedings between the parties are “settled and dismissed.” *Id.* Accordingly, we determine that good cause exists to terminate this proceeding without rendering a final written decision.

“At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be

kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.” 35 U.S.C. § 317(b). After reviewing the parties’ settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).

ORDER

For the reasons given, it is

ORDERED that the Joint Motion (Paper 14) is *granted*;

FURTHER ORDERED that this proceeding is hereby terminated as to both Petitioner and Patent Owner; and

FURTHER ORDERED that the filed settlement agreement (Ex. 1017) be treated as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and also remain designated as “Parties and Board Only” in PRPS.

IPR2015-00474
Patent 8,437,797 B2

FOR PETITIONER:

David Cochran
dcochran@jonesday.com

Joseph Sauer
jmsauer@jonesday.com

Joshua Nightingale
jrnightingale@jonesday.com

FOR PATENT OWNER:

David Judson
mail@davidjudson.com

Neal Massand
nmassand@nilawfirm.com