

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC,
Petitioner,

v.

CHINOOK LICENSING DE, LLC,
Patent Owner.

Case IPR2015-00625
Patent 7,047,482 B1

Before WILLIAM V. SAINDON, JAMES P. CALVE, and
TRENTON A. WARD, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

TERMINATION
Settlement After Institution
35 U.S.C. § 317 and 37 C.F.R. § 42.72

We instituted an *inter partes* review of claims 1–7 and 9–20 of U.S. Patent No. 7,047,482 B1 on August 12, 2015. Paper 8. On November 23, 2015, we received a request from the parties for a conference call to discuss authorization to file a motion to terminate the proceeding due to settlement. We authorized the parties to file a joint motion without a call. On November 24, 2015, we received a Joint Motion to Terminate Proceeding (Paper 13), a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 12), and a Settlement Agreement (Ex. 1). Upon review of the Motions, we hereby grant both.

Motion to Terminate

The Office Patent Trial Practice Guide provides that “[t]here are strong public policy reasons to favor settlement between the parties to a proceeding,” and “[t]he Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Trial in this proceeding is still in a relatively early stage; we have not decided the merits of the proceeding. In addition, the parties represent they have resolved and settled all issues involving the patent at issue. Under these circumstances, we determine that it is appropriate to terminate the trial in this proceeding without rendering a decision on the merits. *See* 37 C.F.R. § 42.72.

Motion to Keep Confidential

A strong public policy exists for making information filed in an *inter partes* review publicly available. 37 C.F.R. § 42.14; *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,760–61. Only “confidential

information” is protected from disclosure. 35 U.S.C. § 316(a)(7). These provisions balance the public’s interest in maintaining a complete and understandable file history with the parties’ interest in protecting truly sensitive information. Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,760.

Here, we agree with the parties that the settlement agreement (Ex. 1) is business confidential, non-public information. Accordingly, it is appropriate to treat it as business confidential information and to keep it separate from the patent files.

Order

Accordingly, it is

ORDERED that the joint motion to terminate this proceeding is *granted*;

FURTHER ORDERED that this proceeding is hereby *terminated*; and

FURTHER ORDERED that the joint request for the settlement agreement (Ex. 1) to be treated as business confidential information and be kept separate from the patent files, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

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Patent 7,047,482 B1

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