

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

COPY PROTECTION LLC,
Patent Owner.

Case IPR2015-00921
Patent 7,079,649 B1

Before TRENTON A. WARD, LYNNE E. PETTIGREW, and
WILLIAM M. FINK, *Administrative Patent Judges*.

FINK, *Administrative Patent Judge*.

DECISION
Termination of Proceeding
37 C.F.R. § 42.72

On December 29, 2015, the parties filed a joint motion to terminate IPR2015-00921 pursuant to 35 U.S.C. § 317. Paper 30. Along with the joint motion, the parties filed a “Non-Exclusive Patent License, Release, and Settlement Agreement” (Ex. 1, “Settlement Agreement”). The parties have also 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 31.

The parties represent the Settlement Agreement is a true copy. Paper 30, 2. We also observe the Settlement Agreement purports to be the “Entire Agreement” between the parties. Ex. 1, 11. The parties further represent they have filed a stipulation of dismissal in the related district court litigation, which was granted on December 21, 2015, and that no other district court litigation involving U.S. Patent No. 7,079,649 B1 is pending. Paper 30, 3–4. We accept the parties’ representations.

This proceeding is at an early stage. Although trial has been instituted (Paper 21), Patent Owner has not filed a Response. Under the circumstances, we determine that it is appropriate to terminate the case with respect to both parties. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. Therefore, the joint motion to terminate is granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

Accordingly, it is:

ORDERED that the parties' Joint Motion (Paper 31) that the Settlement Agreement (Ex. 1) be treated as business confidential information, to be kept separate from the patent file is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate (Paper 30) is *granted*; and

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

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