

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AGS, LLC, IN BET GAMING, INC. and IN BET, LLC,
Petitioner,

v.

GALAXY GAMING, INC.,
Patent Owner.

Case IPR2015-01112
Patent 7,175,180 B2

Before MICHAEL W. KIM, HYUN J. JUNG, and CARL M. DeFRANCO,
Administrative Patent Judges.

KIM, *Administrative Patent Judge.*

JUDGMENT

Granting Joint Motion to Terminate Proceeding and
Granting Request to Treat Agreements as Business Confidential Information
37 C.F.R. §§ 42.72 & 42.74

INTRODUCTION

On September 13, 2016, the parties filed (1) a Joint Motion to Terminate (Paper 34, “Mot.”), and (2) a Joint Request that Settlement Agreement be Treated as Business Confidential Information and Kept Separate under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c) (Paper 35; citing Ex. 1021).

In the Motion, the parties jointly request that the Board terminate this proceeding, and represent the following:

On July 11, 2016, the Parties entered into a global settlement that included Petitioners’ agreement to withdraw from this Review and request its termination. The global settlement also included an agreement to terminate the lawsuit filed by Patent Owner on November 24, 2014, against petitioners In Bet Gaming, Inc. and In Bet, LLC, in the United States District Court for the District of Nevada, Case No. 2:14-cv-01956-RFB-VCF (the “Lawsuit”). On July 13, 2016 the Court entered an Order dismissing the Lawsuit with prejudice.

Mot. 3–4.

This proceeding is in the advanced stages, in that all briefing has been completed, and the Motion was filed less than two months before November 6, 2016, the one-year date from the day that we instituted an *inter partes* review. Paper 10. In similar situations, some panels of the Board have proceeded to a final written decision. See *Blackberry Corp. v. MobileMedia Ideas LLC*, Case IPR2013-00016 (PTAB Dec. 11, 2013) (Paper 31). The parties represent further, however, that “the patent at issue in this proceeding has expired, so there is no risk that a potentially suspect patent would escape cancellation by operation of a private settlement.” Mot. 4. Under these circumstances, we determine that issuing a final written decision would not be an efficient use of judicial resources and, thus, are persuaded that it is

appropriate to exercise our discretion and terminate this proceeding with respect to both Petitioner and Patent Owner without rendering any further decisions. See 37 C.F.R. § 42.72.

ORDER

It is

ORDERED that the parties' Joint Motion to Terminate, both as to Petitioner and Patent Owner, is *granted*;

FURTHER ORDERED that the parties' Joint Request (Paper 35) to treat Exhibits 1021 as business confidential information under 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that this proceeding is terminated with respect to both Petitioner and Patent Owner.

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