

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CENTURYLINK COMMUNICATIONS, LLC,
Petitioner,

v.

NETWORK CONGESTION SOLUTIONS LLC,
Patent Owner.

Case IPR2015-01575
U.S. Patent No. 6,826,620

Before MICHAEL W. KIM, DANIEL N. FISHMAN and
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
37 C.F.R. § 42.5(a), 42.71(a)

On October 28, 2015, the parties filed a “Joint Motion to Terminate Proceedings” (“Joint Motion to Terminate”) based on a Patent License and

License Option Agreement (“License”) and Release Agreement (“Release”) that resolves the parties’ disputes related to the challenged patent. Paper 7. The parties concurrently filed a copy of the License (Ex. 2001) and Release (Ex. 2002) along with a “Joint Motion to File Agreements as Business Confidential Information” (“Confidentiality Request”) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8. The Confidentiality Request also seeks to have the License and Release kept separate from the file of the challenged patent, the License to be filed in PRPS as “Board Only” and the Release to be filed in PRPS as “Parties and Board Only.” *Id.* at 1; see also 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

We have not yet entered a decision on institution. Under these circumstances, we determine that it is appropriate to dismiss the Petition. See 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate is granted; and

FURTHER ORDERED that the License (Exhibit 2001) and Release (Exhibit 2002) be treated as business confidential information, be designated “Board Only” and “Parties and Board Only” respectively and both will be kept separate from the files of the involved U.S. Patent No. 6,826,620.

IPR2015-01575
U.S. Patent No. 6,826,620

For PETITIONER:

Marc Kaufman
Doyle Johnson
[REED SMITH LLP](#)
mskaufman@reedsmith.com
dbjohnson@reedsmith.com

For PATENTOWNER:

Joseph P. Oldaker
[NELSON BUMGARDNER, P.C.](#)
joseph@nelbum.com