

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC SYSTEMS CORPORATION and EPIC HOSTING, LLC,
Petitioner,

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner.

Case IPR2015-01608
Patent 5,715,451

Before KALYAN K. DESHPANDE, JACQUELINE WRIGHT BONILLA,
and MIRIAM L. QUINN, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

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

On October 10, 2016, Epic Systems Corporation and Epic Hosting, LLC (“Petitioner”) and Uniloc Luxembourg S.A. (“Patent Owner”) filed an authorized Joint Motion to Terminate the above-captioned proceeding pursuant to 35 U.S.C. § 317. Paper 31 (“Joint Mot.”). In the Motion, the parties represented that they concurrently filed a true and correct copy of a Settlement Agreement (Ex. 1016). Joint Mot. 2–3. The parties also filed a Joint Request to File Settlement Agreement as Business Confidential Information, requesting that the Settlement Agreement be kept separate from the publicly available file of the challenged patent (Paper 32).

“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). We have not yet decided the merits of this proceeding, and a final written decision has not yet been entered. The parties represent that all administrative and judicial matters between the parties, including district court cases, have settled. Joint Mot. 2. Accordingly, we determine that good cause exists to terminate this proceeding.

“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 agreements as business confidential information under 35 U.S.C. § 317(b).

ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate (Paper 31) is *granted*;
FURTHER ORDERED that this proceeding is hereby terminated; and
FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information (Paper 32) is *granted*, and the Settlement Agreement will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and be kept separate from the patent file.

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