

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRUVIT VENTURES, INC.,
Petitioner,

v.

VND BUTYRATE LLC,
Patent Owner.

Case IPR2015-01798
Patent 6,613,356 B1

Before SHERIDAN K. SNEDDEN, TINA E. HULSE, and
ELIZABETH A. LAVIER, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On April 21, 2016, the parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317(a) and a joint request to file the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).¹ Paper 15. The parties also filed under seal a copy of a settlement agreement, including the exhibits to the settlement agreement. Exhibits 1019–1024.

Under 35 U.S.C. § 317(a), “[a]n 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.”

Generally, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). On March 10, 2016, the Board instituted an *inter partes* review under 35 U.S.C. § 314 in the instant proceeding. Paper 11. Patent Owner has not yet filed a Patent Owner Response, and Petitioner has not filed a Reply. More importantly, no final written decision has been entered in this proceeding.

The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding. *See* 37 C.F.R. § 42.73.

Accordingly, it is

ORDERED that the parties’ joint request that the settlement agreement (Exhibits 1019–1024) be: (i) treated as business confidential

¹ We note that our Order on April 19, 2016, ordered the parties to file a *separate* request to keep separate, as is the preferred practice at the Board. Paper 14, 2–3.

information; (ii) be kept separate from the '356 patent file; (iii) kept confidential from any third party; and (iv) made available onto to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED;

FURTHER ORDERED that the joint motion to terminate the case is GRANTED;

FURTHER ORDERED that the case is TERMINATED.

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