

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PNUTECHNOLOGIES, INC., and SEMICAPS PTE LTD.,
Petitioners,

v.

DCG SYSTEMS, INC.,
Patent Owner.

Case IPR2016-00120
Patent 7,733,100 B2

Before JONI Y. CHANG, BRIAN J. McNAMARA, and GARTH D. BAER,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

JUDGMENT

Termination Pursuant to Settlement
37 C.F.R. §§ 42.5, 42.71, 42.73, 42.74

On April 26, 2016, Petitioners PnuTechnologies, Inc. and SEMICAPS PTE LTD. (collectively, “Petitioner”) and Patent Owner DCG Systems, Inc. (“Patent Owner”) filed a Joint Motion to Terminate. Paper 12. Along with the motion, the parties filed a copy of the Settlement Agreement between

Petitioner and Patent Owner, in accordance with 37 C.F.R. § 42.74(b). Ex. 2002. The parties also submitted a Joint Request to treat the settlement agreement as business confidential, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 13. For the reasons set forth below, the Joint Motion to Terminate and the Joint Request are granted.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); see 37 C.F.R. § 42.72. In their Joint Motion to Terminate, the parties indicate that the Settlement Agreement resolves all disputes between them involving the patent-at-issue in this case, U.S. Patent No. 7,733,100 B2 (“the ’100 patent”). See Paper 12, 2. The motion also points out that this case is in its initial phase, there is no pending litigation involving the ’100 patent, and there are no contemplated proceedings regarding the ’100 patent. *Id.* The Board has not issued a decision on institution pursuant to 35 U.S.C. § 314. Upon consideration of the facts before us, we determine that it is appropriate to terminate this case and enter judgment, without rendering either a decision to institute *inter partes* review or a final written decision. See 37 C.F.R. §§ 42.5(a), 42.71(a), 42.73(a), 42.74. We, therefore, enter judgment and grant the Joint Motion to Terminate. *Id.*

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement Agreement treated as business confidential. Thus, we grant the Joint Request. Paper 13.

In addition, given the termination of the case as a result of settlement, we dismiss as moot Patent Owner’s pending Motion to Withdraw. Paper 9.

The subject exhibit of the Joint Request to treat the settlement agreement as business confidential, Exhibit 2002 is expunged from the record.

ORDER

For the foregoing reasons, it is:

ORDERED that the Joint Request to treat the settlement agreement as business confidential under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 13) is *granted*;

FURTHER ORDERED that Patent Owner's Motion to Withdraw (Paper 9) is *dismissed* as moot; and

FURTHER ORDERED that the Joint Motion to Terminate (Paper 12) is *granted* and this case is hereby terminated.

IPR2016-00120
Patent 7,733,100 B2

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