

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DOCSCORP LLC,
Petitioner,

v.

LITÉRA TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2016-00541 (Patent 7,895,276 B2)
Case IPR2016-00542 (Patent 8,060,575 B2)¹

Before THOMAS L. GIANNETTI, JENNIFER S. BISK, and
JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

DECISION
Terminating the Proceedings
37 C.F.R. § 42.72, § 42.74

¹ The parties are not authorized to use this caption.

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The parties have requested that the above-captioned proceedings be terminated pursuant to a settlement. The Board authorized the parties to file a joint motion to terminate the proceedings on March 8, 2017.

On March 14, 2017, and pursuant to 35 U.S.C. § 317(a), the parties filed a Joint Motion to Terminate Proceeding (Paper 29)² and Joint Motion to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (Paper 30), along with a copy of the settlement agreement (Ex. 2080).

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). We instituted trial in these proceedings on August 4, 2016. Paper 15. Thus, each proceeding is a trial subject to termination under 37 C.F.R. § 42.72. *See* 37 C.F.R. § 42.2.

The parties represent that Exhibit 2080 is a true copy of the settlement agreement between the parties. Paper 29, 2. The parties “jointly certify that aside from the settlement agreement the parties are filing, there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* The parties represent that they filed on the same day as the present motions, a stipulation of dismissal with prejudice in the pending district court litigation between the parties, namely, *Litera Technologies LLC v. DocsCorp LLC*, Case No. 1:15-cv-00923 (D. Del.). *Id.* Patent Owner represents that it will not be initiating any further litigation against Petitioner on the subject patents, that no additional litigation or proceeding involving the subject patents against any

² The paper number provided is the paper number in both proceedings unless otherwise specified.

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other entities is contemplated in the foreseeable future, but that it “reserves its right to initiate additional litigation in the future if appropriate and in the event that infringement is discovered.” *Id.* at 3.

Based on the facts of the case, and in view of the parties’ Joint Motion to Terminate, we are persuaded that it is appropriate to terminate these proceedings with respect to both Petitioner and Patent Owner without rendering any further decisions. *See* 37 C.F.R. §§ 42.5(a), 42.72. Therefore, the Joint Motion to Terminate Proceeding and Joint Motion to File Settlement Agreement as Business Confidential Information are *granted* in both proceedings. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceeding is *granted*; and

FURTHER ORDERED that these proceedings are terminated with respect to both Petitioner and Patent Owner.

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