

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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REALTIME DATA LLC,  
Petitioner,

v.

ORACLE INTERNATIONAL CORPORATION,  
Patent Owner.

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Case IPR2016-00695  
Patent 8,832,142 B2

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Before CARL M. DeFRANCO and KAMRAN JIVANI,  
*Administrative Patent Judges.*

JIVANI, *Administrative Patent Judge.*

DECISION  
Joint Motion to Terminate  
*35 U.S.C. § 317 and 37 C.F.R. §§ 42.72 and 42.74*

The parties filed on May 8, 2017, with Board authorization, a joint motion to terminate this proceeding and a joint request to treat their “global settlement agreement” (Ex. 1018) as business confidential. Papers 21 and 22. The parties state that they have settled all disputes between them related to the challenged patent “and both the Petitioner and Patent Owner support termination of the proceeding.” Paper 21, 1. The joint request to treat the settlement agreement as business confidential information includes a request that the settlement agreement be kept separate from the patent file. Paper 22, 2; *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.”).

Under 35 U.S.C. § 317(a), “An *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Section 317(a) further provides, “If no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” 35 U.S.C. § 317(a). We, therefore, have discretion to terminate this proceeding.

This proceeding is at a somewhat advanced stage in that: Patent Owner has responded to the Petition and Petitioner has replied thereto; each party has deposed the other’s witness; and each party has requested oral hearing. Papers 10–18. We have not yet, however, held the requested oral hearing, nor have we reached a decision on the merits with respect to the patentability of any involved claim.

Based on the facts of this case, it is appropriate to terminate the petition for *inter partes* review. Therefore, the joint motion to terminate the proceeding is granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a). As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent file. 37 C.F.R. § 42.74(c).

#### ORDER

It is, therefore,

ORDERED that the Joint Motion to Terminate (Paper 21) is *granted* and the proceeding is terminated;

FURTHER ORDERED that this proceeding is terminated as to all parties; and

FURTHER ORDERED that the Joint Request under 37 C.F.R. § 42.74(c) to treat the Settlement and License Agreement (Ex. 1018) as business confidential information to be kept separate from the patent file (Paper 22) is *granted*.

IPR2016-00695  
Patent 8,832,142 B2

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