

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

VERIFY SMART CORP.,
Patent Owner.

Case IPR2016-00836
Patent 8,285,648 B2

Before CARL M. DEFRANCO, JON B. TORNQUIST, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

DISMISSAL OF PETITION
37 C.F.R. § 42.71(a)

On June 22, 2016, the parties filed a joint motion to terminate this proceeding. Paper 4. In support of this joint motion, and pursuant to 35 U.S.C. § 317(b),¹ the parties filed a copy of a written settlement agreement. Paper 5.

“There are strong public policy reasons to favor settlement,” and the “Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

This proceeding is in its early stages, the Board not yet having decided whether to institute *inter partes* review. Accordingly, we determine that it is appropriate to dismiss the petition. See 37 C.F.R. § 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Based on the foregoing, it is:

ORDERED that the joint motion to terminate this proceeding is *granted*;

FURTHER ORDERED that the petition for *inter partes* review of the above-referenced patent is *dismissed*; and

¹ Pursuant to 35 U.S.C. § 317(b), “[a]t the request of a party,” the settlement agreement or understanding filed by the parties shall be treated as business confidential information and kept separate from the file of the involved patent. See 37 C.F.R. § 42.74(c). The parties filed their settlement agreement under a “Parties and Board Only” designation and asserted that the settlement agreement was being filed as “business confidential information pursuant to 35 U.S.C. § 317(b).” We interpret this as a request under 35 U.S.C. § 317(b) that the settlement agreement be treated as business confidential information and kept separate from the patent file.

FURTHER ORDERED that the settlement agreement (Paper 5) shall be treated as business confidential information and kept separate from the patent file.

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