

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MVG, INC.,
Petitioner,

v.

ETS-LINDGREN, INC.,
Patent Owner.

Case IPR2016-00879
Patent 8,331,869 B2

Before JEFFREY S. SMITH, TRENTON A. WARD, and PETER P. CHEN,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION
Joint Motion to Terminate
35 U.S.C. § 317

On March 6, 2017, Petitioner MVG, Inc. (“Petitioner”) and Patent Owner FastVDO LLC (“Patent Owner”) filed a Joint Motion to Terminate Proceeding Under 35 U.S.C. § 317(a). Paper 18 (“Motion”). With their joint motion to terminate, the parties also filed a copy of their written settlement and release agreement. Ex. 1020. The parties request the agreement be treated as business confidential information under 35 U.S.C. § 317(b). Paper 19.

Petitioner and Patent Owner represent in the Motion that the parties have reached a settlement agreement resolving their dispute with respect to U.S. Patent No. 8,331,869 (“’869 patent”) at issue in this proceeding, including an agreement to settle this *inter partes* review proceeding and a district court action involving the ’869 patent, *ETS Lindgren Inc. v. MVG, Inc.*, Case No. 1:15 cv 03859 (N.D. Ga). Motion 1. 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. At this stage of the proceeding, the Board has instituted trial but has not decided the merits of the proceeding. Under these circumstances, we determine that it is appropriate to terminate these proceedings.

Accordingly, it is

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

FURTHER ORDERED that the joint request that the settlement and release agreement (Ex. 1020) be treated as business confidential information and be kept separate from the file of the involved parties under the provisions of 35 U.S.C. § 317(b), i.e. to be made available only to Federal Government agencies on written request, or to any person on a showing of good cause, is *granted*.

PETITIONER:

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