

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC,
Petitioner,

v.

ADVANCED MEDIA NETWORKS, LLC,
Patent Owner.

Case IPR2016-01255
Patent 5,960,074

Before TRENTON A. WARD, LYNNE E. PETTIGREW, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. § 42.74

I. INTRODUCTION

On December 14, 2016, the parties filed an authorized Joint Motion to Terminate the instant proceeding. Paper 11 (“Joint Mot.”). In addition, pursuant to 37 C.F.R. § 42.74(b), the parties filed a copy of their settlement agreement (“Agreement”), covering, *inter alia*, the patent involved in this proceeding, U.S. Patent No. 5,960,074 (“the ’074 patent”). Ex. 2019. The parties also filed an authorized joint request to have the Agreement be treated as business confidential information and kept separate from the files of the patent involved in this proceeding under 37 C.F.R. § 42.74(c). Paper 12.

II. ANALYSIS

The parties contend that, under 35 U.S.C. § 317(a), termination is proper because all parties involved in the proceeding request it and the merits are undecided. Joint Mot. 3; *see also* 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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”). The parties also contend that the Agreement is a true copy of the written agreement between the parties settling their dispute relating to the ’074 patent and to terminate this proceeding. Joint Mot. 2; *see also* 37 C.F.R. § 42.74(b) (“Any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.”).

This case is in the preliminary proceeding¹ stage; no decision whether to institute a trial has been made. Upon review of the procedural posture of this proceeding and the facts before us, we are persuaded that good cause exists to terminate the instant proceeding.

All parties filed, along with their Joint Motion to Terminate, a joint motion requesting that the Agreement be kept separate and treated as business confidential under 37 C.F.R. § 42.74(c). Paper 12, 2. The parties' request under 37 C.F.R. § 42.74(c) is granted.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that the instant proceeding is hereby *terminated* as to all parties; and

FURTHER ORDERED that the Joint Motion to treat the Agreement as business confidential and keep it separate from the patent file pursuant to 37 C.F.R. § 42.74(c) is *granted*.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

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