

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE AMERICA, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2017-00168
Patent 6,597,812

Before GEORGIANNA W. BRADEN, J. JOHN LEE, and JASON J. CHUNG,
Administrative Patent Judges.

CHUNG, *Administrative Patent Judge.*

JUDGMENT
Dismissing the Petition
37 C.F.R. §§ 42.5(a), 42.71(a)

Petitioner Oracle America, Inc. (“Oracle”) filed a Petition (Paper 2) for an *inter partes* review of U.S. Patent No. 6,597,812 (“the ’812 patent”) on November 2, 2016 and Patent Owner Realtime Data LLC (“Realtime”) filed a Preliminary Response (Paper 14) on February 21, 2017. In this proceeding, the Board has not yet determined, under 35 U.S.C. § 314, whether or not to institute a review in the instant case. On March 31, 2017, Realtime and Oracle filed a Joint Motion to Terminate Proceeding under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74 (Paper 19), a true copy of the written settlement agreement (Ex. 2016; Ex. 2017), and a Joint Request to File Settlement Agreement as Business Confidential Information and to keep separate the agreement pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 20).

Under 35 U.S.C. § 317(a), “[a]n *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.” As no trial has been instituted based on Oracle’s Petition, this matter is in the preliminary proceeding¹ stage.

Generally, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The Board is persuaded that, under these circumstances, it is appropriate to terminate this case. *See* 37 C.F.R. §§ 42.5(a), 42.71(a).

Accordingly, it is:

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.

ORDERED that the joint motion to terminate with respect to both parties is GRANTED, and the Petition is hereby dismissed; and

FURTHER ORDERED that the parties' joint request that the written settlement agreement (Ex. 2016; Ex. 2017) be: (i) treated as business confidential information; (ii) kept separate from the file of the '812 patent; (iii) kept confidential from any third party; and (iv) made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

PETITIONER

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