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Paper 18
Entered: August 29, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENFORCEMENT VIDEO LLC d/b/a
WATCHGUARD VIDEO,
Petitioner,

v.

EVICAM INTERNATIONAL INC.,
Patent Owner.

Cases[1]
IPR2017-00051; Patent 6,211,907 B1
IPR2017-00245; Patent 6,950,013 B2

Before PATRICK M. BOUCHER, and MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

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

[1] This Decision applies to each of the listed cases. The parties are not authorized to use a multiple case caption.

Pursuant to our authorization, the parties filed Joint Motions to Terminate the above-captioned proceedings. Paper 16.[2] Along with the motions, the parties filed a copy of a covenant not to sue (Ex. 1018), and Joint Requests to Keep Papers Separate, in which the parties request the covenant not to sue be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c). Paper 17.

The parties represent that termination is appropriate because an Agreed Amended Final Judgment was entered in the co-pending litigation, which terminates the litigation by waiving the Parties' rights to file post-verdict motions and any appeals. Paper 16, 3; *see* Ex. 1020. The parties further represent that Evicam has granted WatchGuard a covenant not to sue with respect to the '907 and '013 patents. Paper 16, 3; *see* Ex. 1018.

"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." 35 U.S.C. § 317(a). Trial was instituted for these proceedings; however, both proceedings are in a preliminary stage. Under the circumstances, we determine that it is appropriate to terminate these proceedings with respect to all parties without rendering a final written decision. We further determine the request to treat the covenant not to sue as business confidential information was timely filed with the agreement, and, therefore, grant the request. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

It is

[2] We refer to the papers and exhibits filed in IPR2017-00051. Similar papers and exhibits were filed by the parties in IPR2017-00245.

ORDERED that the joint Motions to Terminate the captioned proceedings[3] are *granted*; and

FURTHER ORDERED that the Joint Requests[4] that the covenant not to sue (IPR2017-00051, Ex. 1018; IPR2017-00245, Ex. 1018) be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c) are *granted*.

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[3] IPR2017-0051, Paper 16; IPR2017-00245, Paper 15.

[4] IPR2017-0051; Paper 17; IPR2017-00245, Paper 16.