

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

VIRTUAL FLEET MANAGEMENT, LLC,
Patent Owner.

Case IPR2017-00845
Patent 6,958,701 B1

Before MICHAEL W. KIM, TRENTON A. WARD, and
JASON J. CHUNG, *Administrative Patent Judges*.

WARD, *Administrative Patent Judge*.

DECISION

Termination of Proceeding and Dismissal of Petition
35 U.S.C. §§ 42.5(a), 42.71

Pursuant to authorization provided by the Board on June 21, 2017, Unified Patents Inc. (“Unified”) and Virtual Fleet Management, LLC (“Virtual Fleet”) filed a Joint Motion to Terminate. Paper 7 (“Motion” or “Mot.”). The parties also filed a true copy of a Confidential Settlement and License Agreement (“Agreement”). Ex. 1016. The parties identified the Agreement as business confidential information and requested that the Agreement be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8 (“Joint Request”).

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. Here, the proceeding is still in its early stages, as Patent Owner has not filed a preliminary response, and the Board has not issued a decision on institution. Unified and Virtual Fleet indicate that, pursuant to the Agreement, they have settled their dispute regarding U.S. Patent No. 6,958,701 B1. Mot. 1, 3. The parties represent that “there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding.” *Id.* at 1. Under these circumstances, we determine that it is appropriate to terminate this proceeding, and dismiss the petition. *See* 37 C.F.R. §§ 42.5(a), 42.71. We also determine that it is appropriate to treat the Agreement (Ex. 1016) as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is *granted*;

FURTHER ORDERED that the petition is dismissed and the proceeding is terminated as to all parties; and

FURTHER ORDERED that the Joint Request to treat the Confidential Settlement and License Agreement (Ex. 1016) as business confidential information to be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

PETITIONER:

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