

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFY INC.,
Petitioner,

v.

UNILOC USA, INC., UNILOC LUXEMBOURG, S.A.,
Patent Owner.

Case IPR2017-01076
Patent 8,571,194 B2

Before KARL D. EASTHOM, JEFFREY S. SMITH, and MINN CHUNG,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

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

On June 7, 2017, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceeding under 35 U.S.C. § 317(a). Paper 6 (“Motion”). With their joint motion to terminate, the parties also filed a copy of their written settlement agreement. Ex. 1017. The parties request the agreement be treated as business confidential information under 35 U.S.C. § 317(b). Paper 7.

Petitioner and Patent Owner represent in the Motion that the parties have reached a settlement agreement resolving all disputes between the parties with respect to U.S. Patent No. 8,571,194 at issue in this proceeding, including an agreement to settle this *inter partes* review proceeding. Motion 2. 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 not instituted trial. Under these circumstances, we determine that it is appropriate to terminate this proceeding.

Accordingly, it is

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

FURTHER ORDERED that the joint request that the settlement agreement (Ex. 1017) be treated as business confidential information, kept separate from the file of the involved U.S. Patent No. 8,571,194 B2, and 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) is *granted*.

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Patent 8,571,194 B2

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