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Paper 11
Entered: August 24, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RACKSPACE US, INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2017-01627 (Patent 7,415,530 B2)[1]
Case IPR2017-01629 (Patent 9,116,908 B2)
Case IPR2017-01691 (Patent 7,358,867 B2)

Before GREGG I. ANDERSON, J. JOHN LEE, JASON J. CHUNG, and SCOTT C. MOORE, *Administrative Patent Judges.*

MOORE, *Administrative Patent Judge*.

DECISION
Joint Motions to Terminate Proceedings
37 C.F.R. § 42.72

[1] This Decision applies to each of the listed cases. We exercise our discretion to issue one Decision to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

Rackspace US, Inc. ("Petitioner") filed its Petitions in IPR2017-01627 and IPR2017-01629 on June 16, 2017. *See* IPR2017-01627, Paper 1; IPR2017-01629, Paper 1. Petitioner filed its Petition in IPR2017-01691 on June 28, 2017. *See* IPR2017-01691, Paper 1. Realtime Data LLC ("Patent Owner") has not yet filed a Preliminary Response in any of these proceedings.

On August 8, 2017, Petitioner and Patent Owner filed joint motions to terminate each of the above-captioned proceedings, accompanied by copies of a written settlement agreement and joint requests to keep the settlement agreement separate and confidential. IPR2017-01627, Papers 9, 10, Ex. 2002; IPR2017-01629, Papers 9, 10, Ex. 2002; IPR2017-01691, Papers 8, 9, Ex. 2002.

The Board has not yet determined, under 35 U.S.C. § 314, whether or not to institute *inter partes* reviews in these matters. Accordingly, these matters are at the preliminary proceeding[2] stage.

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." In addition, the Board generally expects to terminate a proceeding as to the settling parties upon filing of a joint motion accompanied by a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

Under the circumstances present here, the Board is persuaded that it is appropriate to terminate the above-captioned proceedings as to both Petitioner and Patent Owner. *See* 37 C.F.R. § 42.72.

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[2] A preliminary proceeding begins with the filing of a petition for instituting a trial and ends when a decision on institution is issued. 37 C.F.R. § 42.2.

Accordingly, it is:

ORDERED that the joint motions to terminate the above-captioned proceedings (IPR2017-01627, Paper 9; IPR2017-01629, Paper 9; IPR2017-01691, Paper 8) are GRANTED, and these proceedings are hereby TERMINATED;

FURTHER ORDERED that the joint requests to keep the written settlement agreement separate and confidential (IPR2017-01627, Paper 10; IPR2017-01629, Paper 10; IPR2017-01691, Paper 9) are GRANTED;

FURTHER ORDERED that the copies of the written settlement agreement filed in each proceeding (IPR2017-01627, Ex. 2002; IPR2017-01629, Ex. 2002; IPR2017-01691, Ex. 2002) remain designated as "Board and Parties Only" in the Board's filing system, and not be disclosed to anyone other than the Board and the Parties, except upon a written request of a Federal Government agency or a showing of good cause as provided in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that copies of this Order be entered in IPR2017-01627, IPR2017-01629, and IPR2017-01691.

Case IPR2017-01627 (Patent 7,415,530 B2)
Case IPR2017-01629 (Patent 9,116,908 B2)
Case IPR2017-01691 (Patent 7,358,867 B2)

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