

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

SOFTVAULT SYSTEMS INC.
Patent Owner.

Case IPR2017-01788
Patent 6,249,868

Before KEVIN F. TURNER, KEN B. BARRETT, DEBRA K. STEPHENS,
Administrative Patent Judges.

STEPHENS, *Administrative Patent Judge.*

ORDER
Granting Joint Motion to Terminate
37 C.F.R. §§ 42.5, 42.72, 42.74(c)

On October 19, 2017, with Board authorization, the parties filed a joint motion to terminate the proceeding (Paper 7), along with what they indicate is their written settlement agreement (Ex. 1009). According to counsel, the parties have settled their disputes, and have reached agreement to terminate this *inter partes* review (“IPR”), which challenged the

patentability of U.S. Patent No. 6,249,868 (“the ’868 patent”) (see Paper 7, 1). The parties further request confidential treatment of the settlement agreement, pursuant to 37 C.F.R. § 42.74(c) (Paper 8).¹

The joint request to treat the settlement agreement as business confidential information includes a request that the settlement agreement be kept separate from the patent file (Paper 8; *see also* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”)).

The parties indicate because the parties have reached a settlement, to limit unnecessary and counterproductive costs, the above-identified IPR should be terminated (Paper 7, 2). In addition to being unopposed, the parties state the Board has not issued a decision on institution, and has not yet “decided the merits of the proceeding” (*id.*). Based on the facts of this case, we agree it is appropriate to terminate the proceeding because doing so will preserve the Board’s and the parties’ resources while also furthering the Patent Office’s policy of “secur[ing] the just, speedy, and inexpensive resolution.”

Accordingly, the joint motion to terminate the above-identified proceeding and the joint request to treat the settlement agreement as business confidential information are granted. As requested by the parties, the settlement agreement will be treated as business confidential information

¹ The parties state the ’868 patent has been asserted in many different district court litigations (Paper 1, 1–3); however, according to the parties “the related district court cases, which were previously listed in the Parties’ mandatory notices or [sic] have all been terminated” (Paper 7, 3)

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and kept separate from the patent file. 37 C.F.R. § 42.74(c). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Therefore, it is

ORDERED that the joint motion to terminate IPR2017-01788 is granted;

FURTHER ORDERED that the proceeding in IPR2017-01788 is terminated pursuant to 37 C.F.R. §§ 42.5, 42.72, 42.74(c); and

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 1009) be treated as business confidential information, be kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 37 C.F.R. § 42.74(c) is granted.

PETITIONER:

Artem Sokolov
McDermott Will & Emery

asokolov@mwe.com

Ashraf Fawzy
Roshan Mansinghani
Unified Patents Inc.

afawzy@unifiedpatents.com
roshan@unifiedpatents.com

PATENT OWNER:

Richard Wojcio
wojcio@fsclaw.com

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