

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RANIR, LLC,
Petitioner,

v.

THE PROCTER & GAMBLE COMPANY,
Patent Owner.

Case IPR2017-01878
Patent 5,894,017

Before JAMES T. MOORE, SUSAN L. C. MITCHELL, and KRISTI L. R.
SAWERT, *Administrative Patent Judges*.

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DECISION
Granting Joint Motion to Terminate
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On March 7, 2018, Ranir, LLC (“Petitioner”) and The Procter & Gamble Company (“Patent Owner”) filed a joint motion to terminate this proceeding pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72. Paper 10 (“Motion” or “Mot.”). The motion was accompanied by a true, unredacted copy of a settlement agreement (Paper 12), and a joint request to treat the settlement agreement as business confidential information, to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 11).

The parties represent in their joint motion that the settlement agreement “resolve[s] all issues relating to their dispute” and “specifically requires Petitioner and Patent Owner to request termination of this proceeding.” Mot. 2. Additionally, the parties state that there are no related *inter partes* review proceedings, and that the related district court case, *The Procter & Gamble Company v. Ranir, LLC*, 1:17-cv-00185 (S.D. Ohio), has been dismissed without prejudice and terminated. *Id.*

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 also* 37 C.F.R. § 42.72. Here, although the Board has instituted an *inter partes* review of claims 1–3, 5–13, 19, and 21 of U.S. Patent No. 5,894,017, the proceeding is in the early discovery stage, and no post-institution briefs have been filed. Under the circumstances presented here, therefore, we determine that it is appropriate to terminate this proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant the parties’ joint motion to terminate.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the settlement agreement treated as business confidential information and kept separate from the files of the patent at issue in this proceeding. Thus, we grant the Joint Request to treat the settlement agreement as business confidential.

Accordingly, it is

ORDERED that the joint motion to terminate the proceedings is GRANTED;

FURTHER ORDERED that the joint request to treat the parties' settlement agreement as business confidential information, to be kept separate from the patent file, is GRANTED; and

FURTHER ORDERED that the instant proceeding is TERMINATED.

IPR2017-01878
Patent 5,894,017

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