

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

PEN-ONE ACQUISITION GROUP, LLC and
EQUITABLE IP CORPORATION,
Patent Owner.

Case IPR2017-02167
U.S. Patent 7,281,135 B2

Before THOMAS L. GIANNETTI, STACEY G. WHITE, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

KORNICZKY, *Administrative Patent Judge*.

DECISION

Termination of the Proceeding
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On August 24, 2018, with Board authorization, the parties filed a joint motion to terminate this proceeding (Paper 15), along with what they indicate is a true copy of their written settlement agreement (Ex. 1023). In their joint motion, the parties indicate that (1) they have entered into a settlement agreement, (2) they “have settled their dispute and the parties to the district court litigation have filed a stipulated dismissal as to all claims of U.S. Patent No. 7,281,135 (Case No. 1:17- cv-00179 and 1:17-cv-00180),” and (3) they “agreed to terminate this *inter partes* review.” Paper 15, 2.

On August 24, 2018, the parties also filed a joint motion requesting that the settlement agreement be treated as business confidential information and kept separate from the file of U.S. Patent No. 7,281, 135 B2. Paper 16.

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.” We instituted a trial in this proceeding on August 4, 2018 (Paper 12), but Patent Owner has not yet filed its Patent Owner Response, and we have not yet decided the merits of the proceeding.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial.” The parties have filed what they indicate is a true copy of their written settlement agreement (Ex. 1023), and represent “[t]here are no collateral agreements” between the parties with respect to this *inter partes* review. Paper 15, 1. In view of the foregoing, we determine that it is appropriate to

terminate this proceeding without rendering a final written decision. *See* 37 C.F.R. §§ 42.72, 42.74.

As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent file. 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the parties' joint motion to terminate the proceeding (Paper 15) is *granted*;

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 1023) be treated as business confidential information (Paper 16) is *granted*; and

FURTHER ORDERED that this proceeding is hereby *terminated*.

IPR2017-02167
Patent 7,281,135 B2

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