

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ECHOSTAR CORPORATION and HUGHES NETWORK SYSTEMS, L.L.C.,
Petitioners,

v.

REALTIME DATA LLC,
Patent Owner.

Case IPR2018-00612
Patent 8,717,204 B2

Before JAMESON LEE, THOMAS L. GIANNETTI, and GARTH D. BAER,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

DECISION

Granting Motion to Terminate the Proceeding
35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74(c)

On March 15, 2019, Patent Owner, Realtime Data LLC and Petitioners, EchoStar Corporation and Hughes Network Systems, L.L.C. (collectively, “the parties”), filed a Joint Motion to Terminate *Inter Partes* Review. Paper 19, 1. The parties also filed a Joint Request to treat as business confidential information and to keep separate from the files of the involved patent, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), with respect to Exhibit 2002. Paper 18, 1. They concurrently filed a true copy of their Settlement Agreement. Paper 19, 2; *see* Ex. 2002.

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.” Generally, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). In this case, the Board has instituted review, but has not yet issued a final written decision. Under these circumstances, we are persuaded it is appropriate to terminate this proceeding as to both Petitioner and Patent Owner. We also determine it is appropriate to treat the parties’ settlement agreement (Ex. 2002) as business confidential information, and to keep that document separate from the files of U.S. Patent No. 8,717,204 B2, under 37 C.F.R. § 42.74(c).

Accordingly, it is hereby:

ORDERED that the joint motion to terminate the proceeding is GRANTED
and

IPR2018-00612
Patent 8,717,204 B2

FURTHER ORDERED that Exhibit 2002 be maintained as confidential business information and kept separate from the files of U.S. Patent No. 8,717,204 B2, under 37 C.F.R. § 42.74(c).

PETITIONER:

Adam R. Shartzner
Timothy W. Riffe
FISH & RICHARDSON P.C.
shartzner@fr.com
riffe@fr.com

PATENT OWNER:

Joel P.N. Stonedale
William P. Rothwell
NOROOZI PC
joel@noroozipc.com
william@noroozipc.com