

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

HYPER SEARCH LLC,
Patent Owner.

Case IPR2019-00041
Patent 6,271,840 B1

Before JEFFREY S. SMITH, JUSTIN T. ARBES, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. § 42.72

On January 24, 2019, the parties filed a joint motion to terminate the instant proceeding on the basis of a settlement reached by the parties. *See* Paper 6 (“Mot.”); 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement (Paper 8),¹ along with a joint request (Paper 7) to treat the agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The instant proceeding is still in the preliminary stage, as we have not yet entered a decision whether or not to institute an *inter partes* review. In the joint motion to terminate, the parties represent that they “reached settlement of certain adversarial matters between them,” including the related district court case involving the patent challenged in this proceeding, *Hyper Search LLC v. Facebook, Inc.*, Case No. 1:17-cv-01387 (D. Del.). Mot. 2. The parties further state that the filed document is a “true and correct copy” of their settlement agreement. *Id.* at 3. Under these circumstances, we determine that it is appropriate to terminate the instant proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ request that the settlement agreement (Paper 8) be treated as business confidential information, kept separate from the file of U.S. Patent No. 6,271,840 B1, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*; and

¹ The parties are reminded that such materials must be filed as exhibits, rather than papers, and referenced by exhibit number. *See* 37 C.F.R. § 42.63.

IPR2019-00041
Patent 6,271,840 B1

FURTHER ORDERED that the joint motion to terminate the instant proceeding is *granted* and the proceeding is hereby *terminated*.

IPR2019-00041
Patent 6,271,840 B1

PETITIONER:

Heidi L. Keefe
Phillip E. Morton
COOLEY LLP
hkeefe@cooley.com
pmorton@cooley.com

PATENT OWNER:

Jeffrey G. Toler
TOLER LAW GROUP, PC
jtoler@tlgiplaw.com

Timothy Devlin
DEVLIN LAW FIRM LLC
tdevlin@devlinlawfirm.com