

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

HERTL MEDIA, LLC,
Patent Owner.

IPR2019-00477
Patent 9,324,365 B2

Before BARBARA A. PARVIS, SHARON FENICK, and
JASON W. MELVIN, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Dismiss
Granting Joint Request to Keep Confidential and Separate
35 U.S.C. § 317; 37 C.F.R. §§ 42.71, 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively referred to as “the Parties”) have requested that the above-identified *inter partes* review proceeding be dismissed pursuant to a settlement. On April 5, 2019, we authorized the Parties to file a joint motion to dismiss the Petition in this proceeding. On April 15, 2019, the Parties filed a Joint Motion to Dismiss in the above-identified proceeding (“Joint Motion”). Paper 6. Along with the Joint Motion, the Parties filed a copy of a Confidential Settlement and License Agreement (“Settlement Agreement”). Ex. 1009. The Parties also filed a Joint Motion to Keep Confidential and Separate, requesting the Settlement Agreement be filed as business confidential information and be kept separate pursuant to 37 C.F.R. § 42.74(c) (“Joint Request”). Paper 7.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, that the filed Settlement Agreement is a true and accurate copy, and that there are no other written or oral agreements. Paper 6, 1. The Parties further represent that their Settlement Agreement “fully resolves this matter.” *Id.*

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in this proceeding. In view of the early stage of this proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the Petition.

The Parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent involved in this *inter partes* proceeding. Paper 7, 1. After

reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Dismiss the Petition is *granted*, and the petition in IPR2019-00477 is *dismissed*; and

FURTHER ORDERED that the parties' Joint Request to keep confidential and separate is *granted*, and the Settlement Agreement shall be kept separate from the files of Patent 9,324,365 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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