

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

DALE PROGRESS LTD,
Patent Owner.

Case IPR2019-00866
Patent 9,686,504 B2

Before MICHAEL W. KIM, J. JOHN LEE, and RUSSELL E. CASS,
Administrative Patent Judges.

CASS, *Administrative Patent Judge.*

DECISION
Motions to Dismiss and Treat as Confidential
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

Petitioner, Unified Patents Inc. (“Unified”), and Patent Owner, Dale Progress Ltd. (“Dale”), filed a Joint Motion to Dismiss in the above-captioned proceeding (“Unified-Dale IPR”). Paper 5 (“Mot.”). The parties indicate that Unified has entered into a written settlement agreement with Dale that fully resolves this matter (the “Unified-Dale Agreement”). Mot. 1; Ex. 1011. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the parties have filed this agreement with the Board and represent that “there are no other collateral agreements or understandings, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding.” *Id.*

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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The merits of this proceeding have not yet been decided, and no final written decision has been entered. Further, the parties have complied with the requirements of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Thus, the parties’ Joint Motion to Dismiss is *granted*.

In addition, the parties have filed a Joint Motion to Keep Confidential and Separate requesting to file the Unified-Dale Agreement as business confidential information and to have it be kept separate from the file of the challenged patents under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 37, 1. The Unified-Dale Agreement was filed under seal as “Board Only.” We determine that the agreement constitutes confidential business information and, thus, the Joint Motion is *granted*.

ORDER

It is

ORDERED that the Joint Motion to Dismiss in the Unified-Dale IPR is *granted*, and the proceeding is thereby terminated; and

FURTHER ORDERED that the parties' Joint Motion to Keep Confidential and Separate the Unified-Dale Agreement, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

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PETITIONER:

Raghav Bajaj
David L. McCombs
HAYNES AND BOONE, LLP
raghav.bajaj.ipr@haynesboone.com
david.mccombs.ipr@haynesboone.com

Jonathan R. Bowser
UNIFIED PATENTS INC.
jbowser@unifiedpatents.com

PATENT OWNER:

Brian Took
INVENTION PROTECTION ASSOCIATES, LLC
btook@inventprotect.com