

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

INVENTERGY LBS, LLC,
Patent Owner.

Case IPR2019-01112
Patent 9,781,558 B2

Before JUSTIN T. ARBES, KIMBERLY McGRAW, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

On October 4, 2019, Petitioner Unified Patents, Inc. and Patent Owner Inventergy LBS, LLC filed a Joint Motion to Dismiss under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.71(a). Paper 7; “Mot.” With the Joint Motion to Dismiss, the parties filed a copy of their written settlement agreement and a joint request to treat the settlement agreement as business confidential information, to be kept separate from the file of the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8; Ex. 1018. The parties indicate that the submitted written confidential settlement agreement (Ex. 1018) fully resolves the disputes between them regarding U.S. Patent No. 9,781,558 B2 and that “there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding.” Mot. 1.

This proceeding is in the preliminary stage and no decision has been made regarding whether to institute an *inter partes* review. As such, we treat the parties’ request as seeking termination of the proceeding in connection with a settlement under 37 C.F.R. § 42.74. Under these circumstances, we conclude that termination of the proceeding is appropriate. See 37 C.F.R. §§ 42.71(a), 42.74(a). We also conclude that it is appropriate to treat the settlement agreement (Ex. 1018) as business confidential information to be kept separate from the patent file. See 37 C.F.R. § 42.74(c).

ORDER

Therefore, it is

ORDERED that the proceeding is terminated; and

FURTHER ORDERED that the parties' joint request (Paper 8) to treat the parties' settlement agreement (Ex. 1018) as business confidential information, to be kept separate from the patent file, is *granted*.

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Patent 9,781,558 B2

For PETITIONER:

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