

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC. and FACEBOOK TECHNOLOGIES LLC,
Petitioner,

v.

VILLMER LLC,
Patent Owner.

IPR2020-00283
IPR2020-00284
Patent 9,618,747 B2¹

Before JEFFREY S. SMITH, MELISSA A. HAAPALA, and
JESSICA C. KAISER, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

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

¹ This Decision addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Decision to be entered in each proceeding. The Parties are not authorized to use this joint heading and filing style in their papers.

Petitioner and Patent Owner (collectively referred to as “the parties”) have requested that the above-identified proceedings be terminated pursuant to a settlement. The Board authorized the parties to file a joint motion to terminate the proceedings on May 6, 2020.

On May 7, 2020, pursuant to 37 C.F.R. § 42.74 and 35 U.S.C. § 317(b), the parties submitted joint motions to terminate each of the proceedings (collectively “Joint Motions”) (Paper 7²) and joint requests to file a Patent License Agreement as business confidential information and to be kept separate from the patent file (collectively “Joint Requests”) (Paper 8), along with copies of the written Patent License Agreement (Ex. 1043).

In the Joint Motions, the parties represent that they have reached an agreement to jointly seek termination of the above-identified proceedings, and that the filed copies of the Patent License Agreement are true and complete copies. Paper 7, 1–3. The parties further represent that their Patent License Agreement resolves all currently pending Patent Office and District Court proceedings between the parties involving the above-identified patent at issue. *Id.*

These proceedings are at an early stage. Patent Owner has not filed a preliminary response in these proceedings, and we have not yet decided whether to institute a trial in any of these proceedings. In view of the early stage of these proceedings and the settlement between the parties, we determine that good cause exists to terminate these proceedings with respect

² For purposes of expediency, we cite to Papers and Exhibits filed in IPR2020-00283. Similar papers and exhibits were submitted in IPR2020-00284.

IPR2020-00283
IPR2020-00284
Patent 9,618,747 B2

to the parties.

Additionally, upon review of the Joint Requests that the Patent License Agreement be treated as business confidential information and be kept separate from the file of the patent involved in the above-identified proceedings, we determine that good cause exists to treat the Patent License Agreement between Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Therefore, the Joint Motions and the Joint Requests are *granted*.

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

Accordingly, it is:

ORDERED that the Joint Motions (IPR2020-00283, Paper 7; IPR2020-00284, Paper 7) to terminate the above-identified proceedings are *granted*, and that IPR2020-00283 and IPR2020-00284 are *terminated* with respect to both Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Requests (IPR2020-00283, Paper 8; IPR2020-00284, Paper 8) that the Patent License Agreement (IPR2020-00283, Ex. 1043; IPR2020-00284, Ex. 1043) be treated as business confidential information and be kept separate from the files of the above-identified proceedings and from the file of the involved patent (U.S. Patent 9,618,747) under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*.

IPR2020-00283
IPR2020-00284
Patent 9,618,747 B2

Petitioner:

Heidi L. Keefe
Phillip Morton
Andrew C. Mace
Jennifer Volk-Fortier
COOLEY LLP
hkeefe@cooley.com
pmorton@cooley.com
amace@cooley.com
jvolkfortier@cooley.com

Patent Owner:

Anthony G. Simon
Anthony R. Friedman
THE SIMON LAW FIRM, P.C.
asimon@simonlawpc.com
afriedman@simonlawpc.com