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Paper 16
Date: August 20, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

INVESTEL CAPITAL CORPORATION
Patent Owner.

IPR2020-00781
Patents 9,936,030 B2

Before JAMESON LEE, JOHN F. HORVATH, and MONICA S. ULLAGADDI, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Terminate and
Granting Request to Keep Agreement Separate
37 C.F.R. §§ 42.71, 42.74

DISCUSSION

On August 19, 2020, with Board authorization, the parties filed a Joint Motion to Terminate (Paper 13, "Motion to Terminate"), a settlement agreement between the parties (Ex. 1017, "Agreement"), and a request to keep the Agreement separate from the file of Patent 9,936,030 B2 (Paper 14, "Request to Keep Agreement Separate").

Petitioner and Patent Owner represent that they have entered into a written confidential settlement agreement "that fully resolves this matter." Paper 13, 1. A copy of the Agreement has been filed as Exhibit 1017. The parties represent "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 and that Exhibit 1017 represents a true and accurate copy of the agreement between the Parties that resolves the present proceeding." *Id.* "Petitioner and Patent Owner jointly request termination of the present proceeding." *Id.*

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. PTAB Consolidated Trial Practice Guide, 86 (November 2019). This proceeding is at an early stage. We have not issued a decision on whether to institute an *inter partes* review. Under these circumstances, we grant the Motion to Terminate (Paper 13) both respect to Petitioner and Patent Owner.

We also grant the Request to Keep Agreement Separate (Paper 14). *See* 37 C.F.R. § 42.74(c).

Order

It is

ORDERED that the Motion to Terminate (Paper 13) is *granted*;

FURTHER ORDERED that the Request to Keep Agreement Separate (Paper 14) is *granted*;

FURTHER ORDERED that the Agreement (Ex. 1017) shall be treated as business confidential information, shall be kept separate from the file of Patent No. 9,936,030, and shall be made available only in accordance with the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that this proceeding is *terminated* both as to Petitioner and Patent Owner, and the Petition is *dismissed*.

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