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Paper 13
Date June 1, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION and ORACLE AMERICA, INC.
Petitioner,

v.

TELEPUTERS, LLC,
Patent Owner.

IPR2021-00078
Patent 7,174,014 B2

Before BRYAN F. MOORE, GEORGE R. HOSKINS, and KRISTI L. R. SAWERT, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively "the Parties") filed a Joint Motion to Terminate this proceeding, pursuant to a settlement. *See* Paper 11 ("Joint Motion"). Along with the Joint Motion, the Parties filed a copy of an agreement (Ex. 1051, "Agreement"), as well as a Joint Motion requesting that the Agreement be treated as business confidential information and kept separate from the file of U.S. Patent No. 7,174,014 B2 ("the '014 patent"). *See* Paper 12 ("Joint Request")

In the Joint Motion, the Parties represent that they have reached a "settlement agreement that fully resolves this matter," and that they jointly seek termination of this proceeding. Joint Motion 1–2. The Parties also represent that the filed copy of the Agreement is a "true and accurate copy." *Id.* at 2. The Agreement states that it "constitutes the entire agreement between the Parties." Agreement 5.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the petition and terminate the proceeding with respect to the Parties, which include all of the parties in this proceeding.

In the Joint Request, the Parties request that the Agreement be treated as business confidential information and be kept separate from the file of the '014 patent. Joint Request i. After reviewing the Agreement between the Parties, we find that the Agreement contains confidential business information regarding the terms of settlement. We determine good cause

exists to treat the Agreement between the Parties 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).

II. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate (Paper 11) is *granted*, and the Petition in IPR2021-00078 is dismissed and the proceeding is *terminated* with respect to the Parties; and

FURTHER ORDERED that the Joint Request (Paper 12) is *granted*, and the Agreement (Ex. 1051) shall be kept separate from the file of the '014 patent, 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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