

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYNGA INC.
Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC
Patent Owner

Case IPR2013-00164
Patent 7,797,717

Before SALLY C. MEDLEY, KARL D. EASTHOM, and JONI Y. CHANG,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On February 7, 2013, the parties filed a joint motion to terminate this proceeding, along with a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding, in accordance with 35

U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 22. The parties also request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). *Id.*

The joint motion to terminate states that the parties jointly request termination of this proceeding and that termination is proper because the issues raised during the trial have not been fully briefed and the Board has not yet decided the merits of the proceeding. The motion also indicates that a trial was held in the related litigation with respect to the '717 patent, and that judgment was entered in favor of Zynga based on a jury's finding of no infringement; a directed verdict was entered in favor of PMC as to the issue of validity; and the judgment is not being appealed. *Id.* The Board instituted trial on July 25, 2013. Paper 10. At this juncture of the proceeding, the Board does not have before it full briefing on the trial issues and the Board has not entered a final decision.

Based on the facts of this case, it is appropriate to enter judgment¹ without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

It is

ORDERED that the joint motion to terminate IPR2013-00164 is *granted*;
FURTHER ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that the parties' joint request that the settlement and agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

¹ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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