

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ANCESTRY.COM DNA, LLC,
Petitioner,

v.

DNA GENOTEK INC.,
Patent Owner.

Case IPR2016-00060
Patent 8,221,381 B2

Before WILLIAM V. SAINDON, HYUN J. JUNG, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

JUDGMENT

Termination of Proceeding Pursuant to Settlement After Institution
37 C.F.R. § 42.72

On February 1, 2017, the parties filed a joint motion to terminate the instant proceeding pursuant to a Settlement and License Agreement (“Settlement Agreement”). Paper 36. The parties also filed a copy of their Settlement Agreement (Ex. 2013), 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 36, 1–2. In a concurrently filed paper, the parties jointly request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the involved patent. Paper 37.

The Board instituted trial (Paper 19) on April 8, 2016, and conducted an oral hearing on December 6, 2016. Although this proceeding is in an advanced stage, the parties have reached agreement to terminate the proceeding. Paper 36, 1. The parties represent that “there are no collateral agreements or understandings, oral or written, made in connection with, or in contemplation of, the termination of this *inter partes* review, and that the Settlement Agreement reflects the final settlement and resolution of all disputes between Patent Owner and Petitioner regarding this *inter partes* review.” *Id.* at 1–2. The parties further represent that Exhibit 2013 is “a true copy” of the Settlement Agreement. *Id.* at 1.

Based on these facts, we determine that it is appropriate to terminate the instant proceeding without rendering a final written decision under 37 C.F.R. § 42.72.

Accordingly, it is

ORDERED that the joint motion to terminate the instant proceeding is *granted*;

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FURTHER ORDERED that the instant proceeding is hereby
terminated;

FURTHER ORDERED that the parties' joint request that the
Settlement Agreement (Ex. 2013) be treated as business confidential
information and be kept separate from the file of the involved patent is
granted; and

FURTHER ORDERED that the Settlement Agreement (Ex. 2013) be
treated as business confidential information and be kept separate from the
file of the involved patent, under 37 C.F.R § 42.74(c), and made available
only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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