

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 IPR2016-01152
Patent 8,221,381 B2

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

WORMMEESTER, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate Proceeding and
Dismissing Petitioner's Request for Rehearing and Reconsideration
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 13. The parties also filed as Exhibit 2004 a copy of their 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 13, 1–2; Ex. 2004. The parties represent that Exhibit 2004 is “a true copy” of the Settlement Agreement. Paper 13, 1.

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 14.

The Board denied institution of a trial on November 23, 2016. Paper 11. Petitioner subsequently filed a Request for Rehearing and Reconsideration on December 23, 2016. Paper 12. Under these circumstances, we will consider the parties’ joint motion to terminate to be a request to withdraw Petitioner’s Request for Rehearing and Reconsideration. Because the Petition was denied, the only outstanding request for rehearing has been withdrawn, and there is no remaining time for filing a request for rehearing, our denial of the petition (Paper 11) remains the final disposition of this case.

Accordingly, it is

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

FURTHER ORDERED that Petitioner’s Request for Rehearing and Reconsideration (Paper 12) is hereby deemed *withdrawn*;

IPR2016-01152
Patent 8,221,381 B2

FURTHER ORDERED that the parties' joint request that the Settlement Agreement (Ex. 2004) 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. 2004) 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).

FOR PETITIONER:

Daniel Becker
Jennifer R. Bush
FENWICK & WEST LLP
DBecker-PTAB@fenwick.com
Jbush-ptab@fenwick.com

FOR PATENT OWNER:

Brian M. Kramer
Peng Chen
Desmond O'Sullivan
MORRISON & FOERSTER LLP
bmkramer@mof.com
pchen@mof.com
dosullivan@mof.com