

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FITBIT, INC.,  
Petitioner,

v.

LOGANTREE LP,  
Patent Owner.

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Case IPR2017-00256 (Patent 6,059,576)  
Case IPR2017-00258 (Patent 6,059,576)<sup>1</sup>

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Before PATRICK R. SCANLON, MITCHELL G. WEATHERLY, and  
JAMES A. WORTH, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION  
Dismissing the Petition  
*37 C.F.R. §§ 42.5(a), 42.71(a)*

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<sup>1</sup> This Decision addresses issues pertaining to both cases. Thus, we exercise our discretion to issue a single decision to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2017-00256 (Patent 6,059,576)

IPR2017-00258 (Patent 6,059,576)

In each of the instant proceedings, on March 13, 2017, the parties filed a Joint Motion to Terminate Proceeding (Paper 6)<sup>2</sup> and a Joint Request to Treat Agreement as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 7). The Board authorized the filing of these papers via email on January 31, 2017. The Joint Motion to Terminate is accompanied by a copy of a settlement agreement between the parties. Exhibit 1024.

The parties represent that Exhibit 1024 is a true copy of their agreement and that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of [these proceedings].” Paper 6, 1. Further, the parties represent that, as part of the settlement agreement, the parties have agreed to dismiss, with prejudice, the related litigation in the Northern District of California (*LoganTree LP v. FitBit, Inc.*, 3:16-cv-02443). *Id.* at 1–2.

Each of these proceedings is still in a preliminary stage, and the Board has not yet determined whether to institute an *inter partes* review. Under these circumstances, we determine that it is appropriate to dismiss the Petitions. *See* 37 C.F.R. §§ 42.5(a), 42.71(a).

This Decision does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ joint request that the settlement agreement in each of the instant proceedings be treated as business confidential information is *granted*;

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<sup>2</sup> Citations are to IPR2017-00256, unless otherwise noted.

IPR2017-00256 (Patent 6,059,576)

IPR2017-00258 (Patent 6,059,576)

FURTHER ORDERED that the parties' Joint Motion to Terminate each of the instant proceedings is *granted*; and

FURTHER ORDERED that the Petition in each of the instant proceedings is *dismissed*.

IPR2017-00256 (Patent 6,059,576)

IPR2017-00258 (Patent 6,059,576)

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