

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

Case IPR2017-01039
Patent 7,231,379 B2

Before JAMESON LEE, AMANDA F. WIEKER, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. § 42.71(a), 42.72, 42.74

On June 19, 2017, the parties contacted the Board by email to request authorization to file a joint motion to terminate this proceeding pursuant to a settlement agreement, as well as a joint request to keep the settlement agreement confidential. In an email sent on June 20, 2017, the Board authorized the parties to file a motion to terminate the above-captioned proceeding and a request to keep the settlement agreement confidential.

On June 21, 2017, the parties filed a Joint Motion to Dismiss and Terminate the Petition for *Inter Partes* Review of U.S. Patent 7,231,379 under 37 C.F.R. 42.71(a) (“Motion”). Paper 6. The parties concurrently filed a joint motion to keep the settlement agreement as business confidential information, and for it to be kept separate from the patent file, pursuant to 37 C.F.R. § 42.74(c) (Paper 7), along with a copy of the written settlement agreement (Ex. 1027). The parties represent that Exhibit 1027 is a true and accurate copy of their settlement agreement. Motion 1.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties to the proceeding and unless the Board has already decided the merits of the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties filed such a settlement agreement. Ex. 1027. Petitioner and Patent Owner represent that their settlement agreement fully resolves their dispute. Paper 6, 1. Moreover, this proceeding is at a preliminary stage, Patent Owner has not yet filed a preliminary response, and no trial has been instituted on any claim. No decision whether to institute *inter partes* review has been made. Under these circumstances, we determine that it is appropriate to terminate this proceeding.

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After reviewing the parties' settlement agreement, we find that the settlement agreement contains business confidential information regarding terms of the settlement and good cause exists to treat the settlement agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the Motion to terminate IPR2017-01039 (Paper 6), as to both Petitioner and Patent Owner, is *granted*;

FURTHER ORDERED that the joint request (Paper 7) to treat the parties' settlement agreement (Ex. 1027) as business confidential information under 37 C.F.R. § 42.74(c), and for it to be kept separate from the patent file in this proceeding, is *granted*; and

FURTHER ORDERED that the Petition is dismissed under 37 C.F.R. § 42.71(a), and this proceeding is *terminated* with respect to both Petitioner and Patent Owner.

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