

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC. and
INSTAGRAM, LLC,
Petitioner,

v.

TLI COMMUNICATIONS, LLC,
Patent Owner.

Case IPR2015-00778
Patent 6,038,295

Before JAMESON LEE, BART A. GERSTENBLITH, and
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER

Termination of Proceeding
35 U.S.C. § 317; 37 C.F.R. § 42.72

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On February 17, 2016, Petitioner and Patent Owner filed: a Joint Motion to Terminate Proceedings (“Joint Motion”) (Paper 25); a Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (“Joint Request”) (Paper 26); an agreement made in contemplation of termination of this proceeding (“Agreement”) (Exhibit 2011); and a related release agreement (“Release Agreement”) (Exhibit 2012).

The Board has not decided the merits of this proceeding. In the Joint Motion, the parties represent that “the dispute between the Parties has been resolved” and that the parties have agreed to dismiss the related district court litigation as to Petitioner including a pending appeal to the United States Court of Appeals for the Federal Circuit. Paper 25, 3.

Under 35 U.S.C. § 317(b), any agreement or understanding between Patent Owner and Petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of the proceeding shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office. In the Joint Motion, the parties define “Agreement” as “an agreement made in connection with [the] termination of this proceeding,” Paper 25, 2–3, and state that “the Agreement is in writing, and a true and correct copy is being filed concurrently herewith as Exhibit 2011,” *id.* at 4. The parties also state that “[a] related Release Agreement between the Parties is being filed concurrently herewith as Exhibit 2012.” *Id.*

The Joint Request seeks to have Exhibits 2011 and 2012 treated as business confidential information under 37 C.F.R. § 42.74(c).

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Upon consideration of the Joint Motion, we grant the Joint Motion and terminate this proceeding as to both Petitioner and Patent Owner without rendering a final written decision. 37 C.F.R. § 42.72. We also grant the parties' Joint Request to maintain Exhibits 2011 and 2012 as business confidential information in accordance with 37 C.F.R. § 42.74(c).

ORDER

It is

ORDERED that the Joint Motion to Terminate Proceedings (Paper 25) is *granted* and that this proceeding is hereby *terminated*; and

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 26) is *granted*, and that Exhibits 2011 and 2012 are regarded as business confidential information under 37 C.F.R. § 42.74(c) and will be kept separate from the file of U.S. Patent No. 6,038,295.

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