

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GSN GAMES, INC.,
Petitioner,

v.

BALLY GAMING, INC.,
Patent Owner.

Case CBM2015-00155
Patent 5,816,918

Before MICHAEL P. TIERNEY, PATRICK R. SCANLON, and
HYUN J. JUNG, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
35 U.S.C. § 327 and 37 C.F.R. § 42.72

Pursuant to authorization by the Board, GSN Games, Inc. (“Petitioner”) and Bally Gaming, Inc. (“Patent Owner”) filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 327(a) (Paper 14, “Mot.”) and a Joint Motion to File Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 327 (Paper 15).

Under 35 U.S.C. § 327(a), a post-grant review proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. The present proceeding is in an early stage. A Decision to Institute was entered January 21, 2016 (Paper 8). Patent Owner has not yet filed its Patent Owner Response, and there has been no discovery. Mot. 1. The merits have not been decided, and this proceeding is eligible for termination. *See* Mot. 2.

Under 35 U.S.C. § 327(b), any agreement or understanding between the patent owner and a 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. Patent Owner and Petitioner state that they “have settled their dispute” and “entered into a Settlement Agreement resolving all issues relating to their dispute.” Mot. 2. In support of their joint motion, the parties filed a true and correct copy of their written agreement. *Id.*

Upon consideration of the facts in the case before us, 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 joint motion to maintain the filed settlement agreement (Paper

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15, Ex. A) as business confidential information in accordance with 35 U.S.C. § 327 and 37 C.F.R. § 42.74(c).

ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 327(a) is *granted* and, accordingly, this proceeding is hereby *terminated*; and

FURTHER ORDERED that the parties' Joint Motion to File Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 327 to treat the settlement agreement (Paper 15, Ex. A) submitted in support of the joint motion to terminate as business confidential information, to be kept separate from the file of U.S. Patent No. 5,816,918, and made available only under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), is *granted*.

For PETITIONER:

Brenton R. Babcock
Ted M. Cannon
Michelle E. Armond
KNOBBE, MARTENS, OLSON & BEAR, LLP
2BRB@knobbe.com
2tmc@knobbe.com
2mea@knobbe.com

For PATENT OWNER:

Barry E. Bretschneider
BAKER & HOSTETLER LLP
bbretschneider@bakerlaw.com