

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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iHEARTMEDIA, INC.,

Petitioner

v.

DTS, INC.

Patent Owner.

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Case CBM2016-00010

Patent 7,908,172

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Before MICHAEL P. TIERNEY, *Vice Chief Administrative Patent Judge*,  
and KALYAN K. DESHPANDE and MINN CHUNG, *Administrative  
Patent Judges*.

TIERNEY, *Vice Chief Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding  
*37 C.F.R. § 42.73*

On January 5, 2017, the parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 327. Paper 23. Additionally, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74, the parties filed a copy of a settlement agreement (Ex. 2006) and requested that the settlement agreement be treated as business confidential, and to be kept separate from the patent file. Paper 23, 3.

The standard for settling a covered business method patent review is set forth in 35 U.S.C. § 327(a), which provides that a review shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties have filed such an agreement. Ex. 2006. In their accompanying motion to terminate, the parties indicate that they have settled all disputes between the parties with regard to U.S. Patent No. 7,908,172. Paper 23, 2.

Oral argument has not yet been held. Under these circumstances, we are persuaded that it is appropriate to terminate this proceeding with respect to both Petitioner and Patent Owner. Based on the facts of this case, it is appropriate to enter judgment.<sup>1</sup> Therefore, the joint motion to terminate the proceeding is GRANTED.

Accordingly, it is

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<sup>1</sup> A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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ORDERED that the parties' request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED; and

FURTHER ORDERED that the proceeding is TERMINATED.

PETITIONER:

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