

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS, INC.  
Petitioner

v.

PARALLEL IRON, LLC  
Patent Owner

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Case IPR2013-00639  
Patent 7,197,662 B2

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Before MEREDITH C. PETRAVICK, BRYAN F. MOORE, and  
JENNIFER S. BISK, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER  
Conduct of Proceeding  
37 C.F.R. § 42.5

## INTRODUCTION

A conference call was held on January 28, 2014, between counsel for Petitioner Michael Kiklis, counsel for Patent Owner Tarek Fahmi, and Judges Bisk, Moore, and Petravick. The parties initiated the conference call to request authorization to file a joint motion to terminate the proceedings because the parties have reached a settlement.

## DISCUSSION

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). The rule governing settlement indicates that any agreement between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and filed with the Board. 37 C.F.R. § 42.74(b).

During the call, the Board authorized the parties to file a joint motion to terminate the instant proceeding. The joint motion must (1) include a brief explanation as to why termination is appropriate; (2) identify all defendants in any related district court litigation involving Patent 7,197,662 B2; and (3) discuss specifically the current status of each such related litigation with respect to each party to the litigation. The joint motion must be accompanied by a true copy of the parties' settlement agreement in connection with the termination of this proceeding, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement. The joint motion to terminate should be filed before February 11, 2014.

The settlement agreement may be treated as business confidential information under 37 C.F.R. § 42.74(c). For the settlement agreement to be treated as business confidential information, the parties must file the confidential settlement agreement electronically in the Patent Review Processing System (“PRPS”) as an exhibit in accordance with the instructions provided on the Board’s website (uploading as “Parties and Board Only”). The parties are directed to FAQ G2 on the Board’s website at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential.

### CONCLUSION

It is:

ORDERED that the parties are authorized to file a joint motion to terminate this proceeding no later than February 11, 2014;

FURTHER ORDERED that the joint motion must be accompanied by a true copy, labeled as an exhibit, of the parties’ settlement agreement in connection with the termination of this proceeding, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b);

FURTHER ORDERED that, for the exhibit that is the settlement agreement filed in this proceeding, the parties may file a separate paper requesting that the settlement agreement be treated as a business confidential information as specified in 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that any confidential settlement agreement must be filed electronically in PRPS in accordance with the instruction provided on the Board’s website (upload as “Parties and Board Only”).

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