

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC. AND YAHOO! INC.,
Petitioners,

v.

CREATEADS LLC,
Patent Owner.

Case IPR2014-00200
Patent 5,535,320

Before MEREDITH C. PETRAVICK, JENNIFER S. BISK, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

ORDER

Termination of the Proceeding with Respect to Google Inc.
35 U.S.C. § 317(a)

We instituted trial in this proceeding on May 9, 2014. Paper 10. On October 15, 2014, the parties in this case requested that this proceeding be terminated with respect to Google Inc. (“Google”) pursuant to 35 U.S.C. § 317(a). Paper 22. The parties represent that Yahoo! Inc. (“Yahoo”) intends to continue with this proceeding. *Id.* With their motion to terminate, Google and Patent Owner also filed a copy of a written agreement terminating the underlying district court litigation between them. Ex. 1021. The parties request that the agreement be kept confidential. Paper 23.

This proceeding has not resulted in a final decision on the merits. Accordingly, this proceeding is terminated with respect to Google. 35 U.S.C. § 317(a) (“An inter partes review instituted under this chapter 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.”).

Accordingly, it is

ORDERED that the joint motion to terminate the proceeding with respect to Google is *granted*;

FURTHER ORDERED that the joint request that the settlement agreement (Ex. 1021) be treated as business confidential information and be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*;

FURTHER ORDERED that this proceeding will continue with Yahoo! as the sole named petitioner.

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