

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TELADOC, INC.,  
Petitioner,

v.

AMERICAN WELL CORP.,  
Patent Owner.

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Case IPR2016-01167  
Patent 7,590,550 B2

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Before BRIAN J. McNAMARA, MICHAEL J. FITZPATRICK, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Unopposed Motion to Dismiss Petition  
*37 C.F.R. §§ 42.71(a), 42.74*

## I. DISCUSSION

On June 8, 2016, Teladoc, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–11, 14, 15, 23, and 30 of U.S. Patent No. 7,590,550 B2. Paper 2. On November 29, 2016, Petitioner filed an unopposed Motion to Dismiss the Petition. Paper 13. Furthermore, Petitioner and American Well Corporation (“Patent Owner”) filed a Joint Request to have their agreement treated as business confidential information under 37 C.F.R. § 42.74(c). Paper 14. Petitioner also filed a true copy of their written agreement. Ex. 1011. Petitioner represents that “[t]he parties have settled their disputes via a written agreement,” and Petitioner contends that dismissal of the Petition is appropriate at this early stage because a decision whether to institute trial has not been issued. Paper 13, 2. Petitioner indicates Patent Owner does not oppose the Motion. *Id.* at 3.

Petitioner has demonstrated that dismissal of its Petition is warranted, and we grant Petitioner’s Motion. *See* 37 C.F.R. § 42.71(a) (petitions are dismissible). We also grant the parties’ request to have their agreement treated as business confidential information pursuant to 37 C.F.R. § 42.74(c).

## II. ORDER

Accordingly, it is:

ORDERED that Petitioner’s Motion is granted and the Petition is dismissed; and

ORDERED that the parties’ Joint Request that their agreement (Ex. 1011) be treated as business confidential information under 37 C.F.R. § 42.74(c) is GRANTED.

IPR2016-01167  
Patent 7,590,550 B2

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