

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

CONVERGENT MEDIA SOLUTIONS, LLC,
Patent Owner.

Case IPR2016-01811 (Patent 8,527,640 B2)
Case IPR2016-01813 (Patent 8,689,273 B2)¹

Before JAMESON LEE, KEN BARRETT, and
JOHN F. HORVATH, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

ORDER
Granting Motion to Terminate
and
Granting Request to Treat Settlement Documents
As Confidential Business Information
37 C.F.R. §§ 42.72, 42.74(c)

¹ This Decision will be entered in each case. The parties are not authorized to use this caption style. For purposes of deciding the motions, we understand the pertinent papers filed in the two cases to be substantively similar. The respective paper numbers are the same in both cases.

IPR2016-01811 (Patent 8,527,640 B2)

IPR2016-01813 (Patent 8,689,273 B2)

On May 1, 2017, the parties filed in each of the above-captioned cases a joint motion to terminate the respective *inter partes* review. Paper 12.

Also on May 1, 2017, the parties filed in each of these cases a copy of their written settlement agreement and a request to treat the settlement agreement as business confidential information. Paper 13; Ex. 2001.

Under 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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. . . . If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).

The requirements for terminating these proceedings with respect to both parties are met.

It is hereby:

ORDERED that the joint motions of Petitioner and Patent Owner to terminate proceedings are *granted*;

FURTHER ORDERED that the *inter partes* review instituted for IPR2016-01811 is terminated;

FURTHER ORDERED that the *inter partes* review instituted for IPR2016-01813 is terminated; and

FURTHER ORDERED that the joint requests of Petitioner and Patent Owner to have their settlement agreement (Exhibit 2001) treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*.

IPR2016-01811 (Patent 8,527,640 B2)

IPR2016-01813 (Patent 8,689,273 B2)

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