

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

PERSONALIZED MEDIA
COMMUNICATIONS, LLC.
Patent Owner.

Case IPR2017-00141 Patent 7,752,649

Case IPR2017-00142 Patent 7,752,649

Case IPR2017-00143 Patent 7,752,650

Before SALLY C. MEDLEY, KARL D. EASTHOM, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

PER CURIAM

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

Case IPR2017-00141 Patent 7,752,649

Case IPR2017-00142 Patent 7,752,649

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On January 3, 2017, counsel for the parties requested authorization to file a Joint Motion to Terminate in each of the following IPR proceedings: IPR2017-000141, IPR2017-000142, and IPR2017-000143. According to counsel, the parties have executed a settlement agreement resolving all disputes related to the patents challenged in the IPR proceedings. The parties further request confidential treatment of the settlement agreement, pursuant to 37 C.F.R. § 42.74(c).

Termination of a proceeding prior to institution would be based on the Board's authority under at least 35 U.S.C. § 317(a) as well as 37 C.F.R. §§ 42.5(a), 42.71(a), and 42.72. Therefore, a joint motion to terminate should (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patent at issue in this proceeding; (3) identify any related proceedings currently before the USPTO; and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding. The joint motion to terminate must be accompanied by a true copy of the settlement agreement between the parties, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version will not be accepted as a true copy of the settlement agreement.

Any requests to treat settlement documents as business confidential information and to keep them separate from the files of the challenged patent must be filed with the settlement documents. *See* 37 C.F.R. § 42.74(c).

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Therefore, it is

ORDERED that the parties are authorized to file a joint motion to terminate in each proceeding in accordance with 37 C.F.R. § 42.20 and 35 U.S.C. §§ 317(a), (b); and

FURTHER ORDERED that the parties are authorized to file request in each proceeding to treat settlement documents as business confidential information and to keep them separate from the files of the challenged patent in accordance with 37 C.F.R. § 42.74(c) and 35 U.S.C. § 317(b).

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