

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAYPAL, INC.,
Petitioner,

v.

MONEYCAT LTD,
Patent Owner.

Cases

CBM2017-00030 (Patent 8,195,578)
IPR2017-00541 (Patent 8,712,918)
IPR2017-00542 (Patent 8,712,918)¹

Before WILLIAM V. SAINDON, BRYAN F. MOORE, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

ORDER

Terminating Proceedings Due to Settlement
35 U.S.C. § 317(a) and 37 C.F.R. § 42.74

¹ This order addresses joint motions to terminate in all three cases. We exercise our discretion to issue a single order to be entered in each case.

CBM2017-00030 (Patent 8,195,578)
IPR2017-00541 (Patent 8,712,918)
IPR2017-00542 (Patent 8,712,918)

1. Introduction

The Board has instituted review in IPR2017-00541 and -00542, but the trials are at an early stage; Patent Owner has not yet filed its Response to the Petition in these proceedings. The Board has yet to decide whether to institute review in CBM2017-00030.

On June 30, 2017, pursuant to Board authorization, Patent Owner and Petitioner filed joint motions to terminate the proceedings. Paper 9.² Along with the motion, the parties filed a copy of a document they describe as their written settlement agreement, as well as a separate joint request to treat the settlement agreement as business confidential information. Paper 10; Exhibit 1028. *See* 37 C.F.R. § 42.74(c) (a party to a settlement may request that the settlement agreement be treated as business confidential and be kept separate from the patent file).

2. Discussion

The Parties state in the Joint Motion to Terminate that “the parties have resolved their dispute” and “request termination of this proceeding.” Paper 9, 2. Under these circumstances, we determine that it is appropriate to terminate each of these proceedings. *See* 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74.

After reviewing the parties’ settlement agreement, we find that the settlement agreement contains business confidential information regarding the terms of the settlement and good cause exists to treat the settlement

² Citations in this Order are to papers and exhibits in CBM2017-00030. The other two proceedings include similar papers and exhibits.

CBM2017-00030 (Patent 8,195,578)

IPR2017-00541 (Patent 8,712,918)

IPR2017-00542 (Patent 8,712,918)

agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

3. *Order*

It is

ORDERED that the Joint Motion to Terminate the Proceeding in CBM2017-00030, IPR2017-00541, and IPR2017-00542 is *granted* and that these proceedings are hereby terminated; and

FURTHER ORDERED that the joint request to treat the parties' settlement agreements as business confidential information is *granted* in each proceeding, and the settlement agreements (Exhibit 1028 in CBM2017-00030; Exhibit 1026 in IPR2017-00541; Exhibit 1028 in IPR2017-00542) shall be treated as business confidential information under 37 C.F.R. § 42.74(c), kept separate from the files of their respective patents, and remain designated as "Board and Parties Only."

CBM2017-00030 (Patent 8,195,578)

IPR2017-00541 (Patent 8,712,918)

IPR2017-00542 (Patent 8,712,918)

PETITIONERS:

Adrian Percer

Brian Chang

WEIL GOTSHAL & MANGES LLP

adrian.percer@weil.com

brian.chang@weil.com

Naveen Modi

PAUL HASTINGS LLP

naveenmodi@paulhastings.com

PATENT OWNER:

Kevin D. McCarthy

ROACH BROWN MCCARTHY & GRUBER, P.C.

kdmccarthy@roachbrown.com