

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIVEPERSON, INC.,
Petitioner

v.

24/7 CUSTOMER, INC.,
Patent Owner

Case IPR2017-00614
Patent 6,975,719 B1

Before CHRISTOPHER L. CRUMBLEY, ROBERT J. WEINSCHENK, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. §§ 42.72, 42.73, 42.74

On August 18 2017, the parties filed a Joint Motion to terminate this proceeding under 35 U.S.C. § 317. Paper 10. The parties also filed a copy of their settlement agreement, in accordance with 37 C.F.R. § 42.74(b). Ex. 2001. In addition, the parties filed a Joint Request to treat the settlement agreement as confidential business information, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 11.

The parties indicate in their Joint Motion that they have resolved their dispute and agreed to request termination of this *inter partes* review. Paper 10, 2. For the reasons set forth below, we grant the Joint Motion to terminate and the Joint Request to treat the settlement agreement as business confidential information.

Under 35 U.S.C. § 317(a), “[a]n 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.” We have not decided the merits of this proceeding and, therefore, must terminate with respect to the petitioner. Furthermore, “[i]f 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).” *Id.* In this case, briefing is not complete, and we have not had an oral hearing or issued a final written decision. Thus, upon consideration of the facts before us, we determine it is appropriate to terminate this case and enter judgment without rendering a final written decision. *See* 37 C.F.R. §§ 42.72, 42.73, 42.74. We determine also that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) and, therefore, we grant the parties’ Joint Request to treat the settlement agreement as business confidential information.

Accordingly it is:

IPR2017-00614
Patent 6,975,719 B1

ORDERED that the parties' Joint Motion to terminate this proceeding is *granted* and this case is hereby terminated; and

FURTHER ORDERED that the parties' Joint Request that the agreement (Ex. 2001) submitted in support of their joint motion be treated as business confidential information, kept separate from the file of U.S. Patent No. 6,975,719, and made available only under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), is *granted*.

PETITIONER:

Robert Kang
Kristen Reichenbach
Eugene Goryunov
KIRKLAND & ELLIS LLP
robert.kang@kirkland.com
kristen.reichenbach@kirkland.com
eugene.goryunov@kirkland.com

PATENT OWNER:

Mark Miller
Brian Cook
Jay Choi
O'MELVENY & MYERS LLP
markmiller@omm.com
bcook@omm.com
jchoi@omm.com