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Paper No. 18  
Entered: February 20, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KCURA LLC,  
Petitioner,

v.

BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,  
Patent Owner.

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Case IPR2017-00899  
Patent 7,809,717 B1

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Before JAMES T. MOORE, KRISTEN L. DROESCH, and MINN CHUNG,  
*Administrative Patent Judges.*

MOORE, *Administrative Patent Judge.*

JUDGMENT

Termination of the Proceeding  
*35 U.S.C. § 317(a) and 37 C.F.R. § 42.72*

On December 7, 2017, the parties filed a Joint Motion to Terminate the Proceeding pursuant to a settlement agreement. Paper 16 (“Mot.”). With the joint motion, the parties filed a copy of their written settlement agreement (Exhibit 2003) covering U.S. Patent No. 7,809,717 (“the ’717 patent”), involved in this proceeding.

The parties have also filed a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 17.

The instant proceeding is still in its fairly early stages. Although we have instituted, Patent Owner has not filed a Response.

The parties represent that there is an unopposed motion to dismiss the related appeal in the United States Court of Appeals for the Federal Circuit, *Blackbird Tech LLC d/b/a Blackbird Technologies v. Advanced Discovery Inc. et al.*, Appeal No. 17-2317. Paper 16, 2. A search of PACER indicates the motion was granted November 27, 2017.

The parties further represent that the ’717 patent is not presently involved in any pending federal court litigation, and that there are no other *Inter Partes* Review proceedings. Paper 16, 3.

Under these circumstances, the Board determines that it is appropriate to terminate the proceeding without rendering a final written decision. *See* 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that the settlement agreement (Exhibit 2003) be treated as business confidential information, kept separate from the file of U.S.

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Patent No. 7,809,717, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions 37 C.F.R. § 42.74(c).

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