

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SPIN MASTER LTD.,  
Petitioner,

v.

SPHERO, INC.,  
Patent Owner.

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Case IPR2017-01272  
Patent 9,211,920 B1

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Before PHILIP J. KAUFFMAN, HYUN J. JUNG, and  
JASON W. MELVIN, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

ORDER  
*Dismissing Petition*  
37 C.F.R. § 42.71(a)

Petitioner, Spin Master Ltd., filed a Petition to institute *inter partes* review claims 1–3, 6–11, 13–18, and 21 of U.S. Patent. No. 9,211,920 B1 pursuant to 35 U.S.C. § 311. Paper 2. Patent Owner, Sphero, Inc., filed a Preliminary Response on August 7, 2017. Paper 7. On September 28, 2017, the parties contacted the Board by email, seeking authorization to file a “motion to terminate the IPR pending before the Patent Trial and Appeal Board” and permission to file the parties’ settlement agreement under seal. The Board instructed the parties that they were authorized to file both a motion to dismiss the Petition and all agreements related to settlement of this proceeding.

The parties filed a Joint Motion to Terminate *Inter Partes* Review. Paper 9. Because we have not instituted review, there is no IPR proceeding to terminate. *Cf.* 35 U.S.C. § 317 (applying to “[a]n inter partes review instituted under this chapter”). We interpret the parties’ motion as a request to dismiss the Petition, as we authorized. We grant that request, as authorized under 37 C.F.R. § 42.71(a). We also grant the request to treat the settlement agreement filed as Exhibit 2006 as business confidential information, as authorized under 37 C.F.R. § 42.74(c).

Accordingly, it is:

ORDERED that the Petition is dismissed; and

FURTHER ORDERED that the settlement agreement (Ex. 2006) be treated as business confidential information and be kept separate from the files of U.S. Patent No. 9,211,920 B1.

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