

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.  
Petitioner,

v.

GLOBAL EQUITY MANAGEMENT (SA) PTY. LTD.  
Patent Owner.

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Case IPR2017-01467  
U.S. Patent 6,690,400 B1

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Before KARL D. EASTHOM, MATTHEW R. CLEMENTS, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*

DECISION  
Termination of the Proceeding  
*37 C.F.R. § 42.74*

Petitioner filed a petition requesting *inter partes* review of U.S. Patent No. 6,690,400 (“the ’400 patent”) on May 30, 2017 (Paper 2). Patent Owner filed a preliminary response on September 6, 2017. Paper 6. We issued a decision instituting *inter partes* review of the ’400 patent on December 4, 2017. Paper 7. On December 6, 2017, we issued a Scheduling Order (Paper 8) setting a hearing for this case on August 31, 2018.

On August 10, 2018, the Board received an email from counsel requesting permission to file a joint motion to terminate review of the ’400 patent pursuant to 35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74, and a joint motion to file a confidential settlement agreement as business confidential information. On August 14, 2018, we granted via email the parties’ request to file the joint motions. On August 15, 2018, the parties agreed via email to waive the August 31, 2018 hearing date.

On August 22, 2018, the parties filed a Joint Motion to Terminate pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.71(a) (Paper 18) and a Joint Motion to File Settlement Agreement as Business Confidential Information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 19), accompanied by a copy of the settlement agreement (Ex. 1028).

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

Generally, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

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The Board has not held a hearing in this proceeding and has not issued a final written decision resolving this proceeding on the merits. The parties indicate that the settlement agreement fully resolves this matter. Paper 18, 1. The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding. Therefore, the joint motion to terminate the proceeding is GRANTED.

Accordingly, it is

ORDERED that the joint motion to treat the settlement agreement (Ex. 1028) as business confidential information and be kept separate from the patent file is GRANTED;

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED; and

FURTHER ORDERED that this proceeding is TERMINATED.

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