

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.

QUANTUM STREAM INC.,  
Patent Owner.

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Case IPR2017-01672  
Patent 9,047,626 B2

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Before BARRY L. GROSSMAN, BEVERLY M. BUNTING, and  
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

MARSCHALL, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate Proceeding  
*35 U.S.C. § 317(a); 37 C.F.R. § 42.72*

Granting Joint Request to Treat Settlement Agreement  
as Business Confidential Information  
*35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c)*

Pursuant to our e-mail authorization on July 12, 2018, Petitioner, Unified Patents Inc., and Patent Owner, Quantum Stream Inc., filed a Joint Motion to Terminate Proceedings (Paper 12, “Joint Motion to Terminate”) and a Joint Motion to File Agreement as Business Confidential Information (Paper 13, “Joint Motion re Business Confidential”). Pursuant to 37 C.F.R. § 42.74(b), the parties also filed what they represent is a true copy of their written settlement agreement (Ex. 1018, “Settlement Agreement”).

In this proceeding, a Petition for *Inter Partes* Review of U.S. Patent No. 9,047,626 B2 (“the ’626 patent”) was filed on June 23, 2017 (“the Petition”). See Paper 2. We instituted an *inter partes* review on all challenged claims and grounds set forth in the Petition on January 16, 2018. See Paper 7. We have not issued a final written decision in this matter.

In the Joint Motion to Terminate, the parties indicate that they have reached an agreement regarding their dispute involving the ’626 patent. Joint Motion to Terminate, 2. The parties certify that “[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding.” *Id.*

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.” The parties indicate that termination as to both parties is appropriate here. As noted above, we have not rendered a final written decision on the merits. In view of the circumstances presented in this proceeding, we agree that termination is appropriate. Indeed, there are strong public policy reasons to favor settlement between the parties to a proceeding. *Office Patent Trial*

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*Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Accordingly, we determine that it is appropriate to terminate this proceeding without rendering a final written decision. *See* 37 C.F.R. § 42.72. Therefore, the Joint Motion is granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. §§ 318(a).

Accordingly, it is:

ORDERED that the Joint Motion to File Agreement as Business Confidential Information (Paper 13), to treat the Settlement Agreement (Ex. 1018) as business confidential information and kept separate from the file of U.S. Patent No. 9,047,626 B2, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (Paper 12) is *granted*, and this proceeding is hereby *terminated*.

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