

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRANSCORE, LP,
Petitioner,

v.

AXCESS INTERNATIONAL, INC.,
Patent Owner.

Case IPR2018-00048
Patent 7,286,158 B1

Before TREVOR M. JEFFERSON, JASON W. MELVIN, and
STACY B. MARGOLES, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

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

Petitioner, TransCore, LP,¹ filed a Petition to institute *inter partes* review of claims 1–5, 8–12, and 19–21 of U.S. Patent No. 7,286,158 B1 pursuant to 35 U.S.C. § 311. Paper 1. Patent Owner, Axxess International, Inc., filed a Preliminary Response on January 18, 2018. Paper 5. On March 23, 2018, the parties contacted the Board by email, seeking authorization to file a “Joint Motion to Terminate for IPR2018-00048” and permission to file the parties’ settlement agreement under seal. The Board instructed the parties that they were authorized to file a motion to dismiss the petition and for the settlement agreement to be treated as business confidential information and kept separate from the file of the involved patent. Ex. 1013.

The parties filed a Joint Motion to Terminate *Inter Partes* Review. Paper 6. 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 1014 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. 1014) be treated as business confidential information and be kept separate from the files of U.S. Patent No. 7,286,158 B1.

¹ TransCore identified Roper Technologies, Inc., as the real party in interest and identified TransCore as a wholly owned subsidiary of Roper. Paper 1, 61.

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