

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC.,  
Petitioner,

v.

HYPERMEDIA NAVIGATION LLC,  
Patent Owner.

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Case IPR2018-01721 (Patent 7,383,323)  
Case IPR2018-01763 (Patent 9,083,672)  
Case IPR2018-01783 (Patent 7,478,144)  
Case IPR2018-01791 (Patent 8,250,173)  
Case IPR2018-01807 (Patent 7,383,324)  
Case IPR2018-01808 (Patent 7,424,523)  
Case IPR2018-01809 (Patent 7,769,830)  
Case IPR2019-00344 (Patent 9,772,814)  
Case IPR2019-00353 (Patent 9,864,575)<sup>1</sup>

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Before KEVIN F. TURNER, GARTH D. BAER, and  
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

ORDER  
Termination of the Proceeding  
37 C.F.R. § 42.71(a), 42.72, 42.74

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<sup>1</sup> The parties are not authorized to use this style of filing in subsequent papers without prior authorization.

IPR2018-01721 (Patent 7,383,323), IPR2018-01763 (Patent 9,083,672), IPR2018-01783 (Patent 7,478,144), IPR2018-01791 (Patent 8,250,173), IPR2018-01807 (Patent 7,383,324), IPR2018-01808 (Patent 7,424,523), IPR2018-01809 (Patent 7,769,830), IPR2019-00344 (Patent 9,772,814), IPR2019-00353 (Patent 9,864,575)

On January 15, 2019, the parties contacted the Board by email to request authorization to file joint motions to terminate these proceedings pursuant to a settlement agreement, as well as a joint request to keep the settlement agreement confidential. In an email sent on January 15, 2019, the Board authorized the parties to file motions to terminate the above-captioned proceedings and a request to keep the settlement agreement confidential.

On January 17, 2019, the parties filed Joint Motions to Terminate the Proceedings. Paper 10.<sup>2</sup> The parties concurrently filed joint motions to keep the settlement agreement as business confidential information, and for it to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8), along with a copy of the written settlement agreement (Ex. 2001). The parties represent that Exhibit 2001 is a true and accurate copy of their settlement agreement. Paper 10, 3.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties to the proceeding and unless the Board has already decided the merits of the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties filed such a settlement agreement. Ex. 2001. Moreover, these proceedings are at a preliminary stage, Patent Owner has not yet filed a preliminary response, and no trial has

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<sup>2</sup> IPR2018-01763, IPR2018-01783, IPR2018-01791, IPR2018-01807, IPR2018-01808, IPR2018-01809, IPR2019-00344, and IPR2019-00353 include substantially the same motion raised by the Parties in IPR2018-01721. All citations are to IPR2018-01721, unless otherwise noted, because the motions include substantially the same arguments and requested relief.

IPR2018-01721 (Patent 7,383,323), IPR2018-01763 (Patent 9,083,672), IPR2018-01783 (Patent 7,478,144), IPR2018-01791 (Patent 8,250,173), IPR2018-01807 (Patent 7,383,324), IPR2018-01808 (Patent 7,424,523), IPR2018-01809 (Patent 7,769,830), IPR2019-00344 (Patent 9,772,814), IPR2019-00353 (Patent 9,864,575)

been instituted on any claim. No decision whether to institute *inter partes* review has been made. Under these circumstances, we determine that it is appropriate to terminate this proceeding, as well as the additionally cited proceedings.

After reviewing the parties' settlement agreement, we find that the settlement agreement contains business confidential information regarding terms of the settlement and good cause exists to treat the settlement agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the Motions to terminate IPR2018-01721 (Paper 10), IPR2018-01763 (Paper 7), IPR2018-01783 (Paper 7), IPR2018-01791 (Paper 6), IPR2018-01807 (Paper 7), IPR2018-01808 (Paper 6), IPR2018-01809 (Paper 7), IPR2019-00344 (Paper 6), and IPR2019-00353 (Paper 6) as to both Petitioner and Patent Owner, are *granted*;

FURTHER ORDERED that the joint request (Paper 8) to treat the parties' settlement agreement (Ex. 2001) as business confidential information under 37 C.F.R. § 42.74(c), and for it to be kept separate from the patent file in each of the above-captioned proceedings, is *granted*; and

FURTHER ORDERED that the Petition is dismissed under 37 C.F.R. § 42.71(a), and this proceeding is *terminated* with respect to both Petitioner and Patent Owner.

IPR2018-01721 (Patent 7,383,323), IPR2018-01763 (Patent 9,083,672),  
IPR2018-01783 (Patent 7,478,144), IPR2018-01791 (Patent 8,250,173),  
IPR2018-01807 (Patent 7,383,324), IPR2018-01808 (Patent 7,424,523),  
IPR2018-01809 (Patent 7,769,830), IPR2019-00344 (Patent 9,772,814),  
IPR2019-00353 (Patent 9,864,575)

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