

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED WEB TECHNOLOGIES, LLC
Petitioner,

v.

RECURSIVE WEB TECHNOLOGIES, LLC and
SPIDER SEARCH ANALYTICS, LLC
Patent Owners.

Case IPR2019-00472
Patent 7,454,430 B1

Before NEIL T. POWELL, JESSICA C. KAISER, and JOHN R. KENNY,
Administrative Patent Judges.

KENNY, *Administrative Patent Judge.*

DECISION

Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

DISCUSSION

On April 10, 2019, in response to a joint email request from the parties, we authorized the parties to file a joint motion to terminate this case and a joint request to file their settlement agreement as business confidential information. With that authorization, the parties filed a Joint Motion to Dismiss Under 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 6, “Joint Mot.”) and a Joint Motion to Keep Confidential and Separate Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 7). The parties also filed a copy of their written settlement agreement under 37 C.F.R. § 42.74(b). Ex. 1019. For the reasons discussed below, the parties’ Joint Motion to Dismiss and Joint Request to Treat as Confidential and Separate are *granted*.

In the Joint Motion to Dismiss, the parties indicate that termination of this proceeding is appropriate because they have settled their disputes involving U.S. Patent No. 7,454,430. Joint Mot. 1. Further, the parties represent that there are no other collateral agreements or understandings made that relate to the termination of this IPR. *Id.* at 1. In addition, as the parties indicate, this proceeding is at an early stage, and trial has not been instituted. *Id.* at 2.

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.” Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.”

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There are strong public policy reasons to favor settlement between the parties to a proceeding. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). When, as here, the proceeding is still in its preliminary stages and we have not entered a decision on whether or not to institute an *inter partes* proceeding, we generally expect that the proceeding will terminate after the filing of a settlement agreement. *See id.* Because the parties have filed their written settlement agreement, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. §§ 42.72, 42.74.

ORDER

Accordingly, it is:

ORDERED that the parties' request to treat the settlement agreement (Ex. 1019) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the parties' request to terminate this proceeding is GRANTED, and this proceeding is terminated.

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