

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LOCTEK ERGONOMIC TECHNOLOGY CORPORATION,
Petitioner,

v.

VARIDESK LLC,
Patent Owner.

Case PGR2017-00036
Patent 9,554,644 B2

Before JAMES A. TARTAL, CARL M. DEFRANCO, and
MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

DECISION
Dismissing Petition Pursuant to Settlement
37 C.F.R. § 42.71(a)

I. Introduction

On September 27, 2017, Petitioner, Loctek, Inc. (“Petitioner”), and Patent Owner, Varidesk LLC (“Patent Owner”), (collectively referred to as “the parties”), filed a Joint Motion to Dismiss Proceeding Pursuant to 37 C.F.R. § 42.71(a). Paper 6 (“Joint Motion to Dismiss”).¹ Along with the Joint Motion to Dismiss, the parties filed a true copy of a Patent License, Settlement, and Release Agreement (Paper 7, “Settlement Agreement”),² as well as a Joint Request to Treat Settlement Documents as Business Confidential Information and to Keep Separate under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8 (“Joint Motion to Keep Confidential”)).

II. Discussion

In the Joint Motion to Dismiss, the parties represent that they have settled their dispute and have reached an agreement to dismiss this post grant review. Paper 6, 2. The parties further represent that the parties have reached settlement resolving all of their disputes. *Id.* at 3.

This proceeding is at an early stage. Patent Owner has not filed a preliminary response and we have not yet decided whether to institute trial. In view of the early stage of this proceeding, and the settlement between the parties, we determine that it is appropriate to dismiss the petition and

¹ Filing of the Joint Motion to Dismiss was authorized in e-mail correspondence from Board personnel on September 25, 2017.

² Although the parties identify the Settlement Agreement as Exhibit 1016, the document was filed as Paper 7, rather than as an exhibit. *See* <https://ptabint.uspto.gov/> (last visited September 29, 2017). We will cite to Paper 7 as the document filed when referring to the Settlement Agreement with the clarification that we understand the parties to be referring to Paper 7 when they cite to Exhibit 1016.

terminate the proceeding with respect to both parties. *See* 37 C.F.R. § 42.71(a). Therefore, we *grant* the Joint Motion to Dismiss. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. Orders

It is

ORDERED that the Joint Motion to Dismiss (Paper 6) is *granted*, and the petition is hereby *dismissed* and the proceeding *terminated*; and

FURTHER ORDERED that the Joint Motion to Keep Confidential (Paper 8) is also *granted*, and the Settlement Agreement (Paper 7) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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