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Paper 8
Entered: February 3, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

NONEND INVENTIONS, N.V.,
Patent Owner.

Case IPR2016-00223
Patent 7,590,752 B2

Before GLENN J. PERRY, TREVOR M. JEFFERSON, and STACEY G. WHITE, *Administrative Patent Judges.*

WHITE, *Administrative Patent Judge*.

ORDER
Motion to Terminate
37 C.F.R. § 42.72

On January 26, 2016, the parties filed a joint motion to terminate the instant proceeding under 35 U.S.C. § 317(a). Paper 6. Along with the motion, the parties filed a copy of a document they described as the written settlement agreement (Ex. 1069), as well as a joint request to treat the settlement agreement as business confidential information under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 7

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 stated in their motion that "[t]ermination with respect to Petitioner and Patent Owner Nonend is appropriate in the instant proceeding because the dispute between the parties has been resolved." Paper 6, 1. The parties note that this proceeding is in the early stages. Furthermore, a trial has not been instituted in this proceeding.

The parties are reminded that the Board is not a party to the settlement, and may independently identify any question of patentability. 37 C.F.R § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). This proceedings is still in the preliminary stages, as the Board has not instituted a trial. The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding without rendering a final written decision. 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motion to terminate this proceeding is GRANTED and this proceeding is hereby terminated;

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 1069) be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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