

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EIKO GLOBAL, LLC and HALCO LIGHTING TECHNOLOGIES, LLC,  
Petitioner,

v.

BLACKBIRD TECH LLC,  
Patent Owner.

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Case IPR2017-00980  
Patent 7,086,747 B2

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Before KERRY BEGLEY, JASON J. CHUNG, and WILLIAM M. FINK,  
*Administrative Patent Judges.*

BEGLEY, *Administrative Patent Judge.*

DECISION

Granting Joint Motion to Terminate Proceeding with Respect to Petitioner  
Halco Lighting Technologies, LLC;

Granting Joint Request to Maintain Confidentiality and to Keep Separate  
Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74  
37 C.F.R. §§ 42.5, 42.71, 42.74

On May 25, 2017, Petitioner Halco Lighting Technologies, LLC (“Halco”) and Patent Owner Blackbird Tech LLC (“Blackbird”) filed a joint motion to terminate this proceeding with respect to Halco. Paper 7 (“Mot.”), 2. Along with the motion, Halco and Blackbird filed what they represent to be a “true and correct” copy of their settlement agreement, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Ex. 1014; Paper 8 (“Req.”), 2–3; *see* Mot. 6. In addition, the parties filed a joint request to have the settlement agreement treated as business confidential information, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Req.

In the joint motion, Halco and Blackbird submit that termination of this proceeding with respect to Halco is appropriate because Halco and Blackbird have settled their dispute regarding the patent at issue in this proceeding, U.S. Patent No. 7,086,747 B2. Mot. 2–4, 6. The motion also represents that this proceeding is in its preliminary stages. *See id.* at 3–4. Patent Owner has not filed a Preliminary Response to the Petition, and the Board has not yet determined whether to institute *inter partes* review. Moreover, we determine that terminating this proceeding as to Halco promotes efficiency and minimizes unnecessary costs.

Upon consideration of the facts before us, we determine that it is appropriate to terminate this proceeding with respect to Halco and to dismiss Halco as a party to the proceeding. *See* 37 C.F.R. §§ 42.5(a), 42.71(a), 42.72. We note that termination of Halco’s involvement in this proceeding does not terminate the proceeding, because EiKO Global, LLC remains a petitioner. *See* Mot. 2–3, 6.

Turning to the joint request to treat the settlement agreement as business confidential information, we determine that Halco and Blackbird

have complied with the requirements of 37 C.F.R. § 42.74(c) to have their settlement agreement treated as business confidential information that is kept separate from the files of the patent at issue in this proceeding. Accordingly, the agreement (Exhibit 1014) shall be made available only to a government agency on written request to the Board or to any other person upon a showing of good cause and compliance with the other requirements of 37 C.F.R. § 42.74(c).

### ORDER

For the foregoing reasons, it is:

ORDERED that the Joint Motion to Terminate Under 35 U.S.C. § 317 (Paper 7) is *granted*;

FURTHER ORDERED that Petitioner Halco Lighting Technologies, LLC is terminated from this proceeding;

FURTHER ORDERED that the proceeding continues with EiKO Global, LLC as a petitioner;

FURTHER ORDERED that any subsequent papers filed in this proceeding should not include Halco Lighting Technologies, LLC in the caption;

FURTHER ORDERED that the Joint Request to Maintain Confidentiality and to Keep Separate Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74 (Paper 8) is *granted*; and

FURTHER ORDERED that the parties' settlement agreement (Exhibit 1014) shall be made available only to a government agency on written request to the Board or to any other person upon a showing of good cause and compliance with the other requirements of 37 C.F.R. § 42.74(c).

IPR2017-00980  
Patent 7,086,747 B2

PETITIONER:

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