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Paper 7
Entered: June 28, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2018-00888 (Patent 8,892,117 B2)
Case IPR2018-00889 (Patent 7,343,165 B2)

Before KALYAN K. DESHPANDE, JOHN A. EVANS, and KAMRAN JIVANI, *Administrative Patent Judges.*

EVANS, *Administrative Patent Judge.*

ORDER
Termination of Proceeding
37 C.F.R. § 42.72

The patents challenged in these proceedings—namely U.S. Patent Nos. 7,343,165 ("the '165 patent") and 8,892,117 ("the '117 patent")—are the subject of the following litigation: *Silver State Intellectual Technologies, Inc. v. Facebook Inc.*, 4:17-cv-03349-JSW (N.D. Cal.). IPR2018-00888, Paper 2, 1; IPR2018-00889, Paper 2, 1. Petitioner informs us that, on March 23, 2018, the U.S. District Court for the Northern District of California found all claims of the '117 patent and '165 patent invalid. *Id*.

In light of the district court's decision, the parties filed, with our prior authorization, a Joint Motion to Terminate under 35 U.S.C. § 317. IPR2018-00888, Paper 6; IPR2018-00889, Paper 6 (collectively, "Joint Mot."). The parties also filed in support of their motion a copy of the Order of the Northern District of California Granting Motion for Judgment on the Pleadings in *Silver State Intellectual Technologies v. Facebook*, 4:17-cv-03349 (ND CA March 23, 2018). IPR2018-00888, Ex. 1015; IPR2018-00889, Ex. 1015 (collectively, "ND CA Order").

The Board generally expects that a case "will terminate after the filing of a settlement agreement, unless the Board has already decided the merits." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. Here, the proceeding is still in its early stages, as Patent Owner has not filed a preliminary response, and the Board has not issued a decision on institution. Joint Mot. 1–2. The parties further indicate that the final judgment by the District Court fully resolves their disputes regarding the '117 patent and '165 patents. *Id.* at 2. Under these circumstances, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. §§ 42.5(a), 42.72.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion is *granted*; and

FURTHER ORDERED that this proceeding is terminated as to all parties.

PETITIONER:

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