

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WILLIAM HILL U.S. HOLDCO, INC. and
BRANDYWINE BOOKMAKING LLC,
Petitioner,

v.

CG TECHNOLOGY DEVELOPMENT, LLC,
Patent Owner.

IPR2019-00317 (Patent 9,269,224 B2)
IPR2019-00319 (Patent 9,240,098 B2)
IPR2019-00320 (Patent 10,096,207 B2)

Before MITCHELL G. WEATHERLY, GEORGE R. HOSKINS, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

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I. INTRODUCTION

On December 13, 2019, with prior authorization from the Board via e-mail communications, the Parties filed Joint Motions to Terminate the three proceedings identified above. Paper 25 (“Joint Motions”).¹ Along with the Joint Motions, the Parties filed a Confidential Settlement Agreement (Ex. 2039 (“Settlement Agreement”)), as well as Joint Requests to Treat the Settlement Agreement as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 26 (“Joint Requests”)).

II. DISCUSSION

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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motions, the Parties represent that they have reached an agreement to request termination of the above-identified *inter partes* review proceedings, and that the filed copies of the Settlement Agreement are true and complete copies. Joint Motion 1. The Parties further represent that their settlement agreement resolves all currently pending Patent Office and

¹ We refer to Papers and Exhibits in IPR2019-00317. Similar Papers and Exhibits, identically numbered, were filed in IPR2019-00319 and IPR2019-00320.

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District Court disputes between the Parties involving the patents at issue in each of the above-identified *inter partes* review proceedings. *Id.* at 2.

We instituted a trial in these three proceedings on May 30, 2019. Paper 14. We have not yet decided the merits in the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown adequately that the termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings.

Upon reviewing the Settlement Agreement and Joint Requests, we determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Parties' Joint Requests to treat the Settlement Agreement filed in IPR2019-00317, IPR2019-00319, and IPR2019-00320, as business confidential information under 37 C.F.R. § 42.74(c), are each *granted*; and

FURTHER ORDERED that the Parties' Joint Motions to Terminate IPR2019-00317, IPR2019-00319, and IPR2019-00320 are each *granted*, and IPR2019-00317, IPR2019-00319, and IPR2019-00320 are each terminated pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72.

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