

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VENTANA 3D, LLC,  
Petitioner,

v.

HOLOGRAM USA, INC.,  
Patent Owner.

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Case IPR2016-00133  
Patent 5,865,519

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Before JAMESON LEE, JUSTIN BUSCH, and  
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Terminate Proceeding  
*37 C.F.R. §§ 42.5, 42.71(a), 42.74*

On January 12, 2016, the parties filed a Joint Motion to Terminate Proceeding (“Motion”). Paper 7. The Motion states: “The parties have resolved their dispute over the ’519 Patent in this proceeding and in the Related Litigation.” *Id.* at 2. The Motion also represents the related litigation has been dismissed by the District Court. *Id.* at 1.

With their Motion, the parties filed what they refer to as “a true copy of the written Confidential Settlement Agreement (Exhibit 2001) resolving the dispute with respect to the ’519 patent in the above-captioned *inter partes* review and in the Related Litigation.” *Id.* at 5. The parties also filed a “Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)” (“Joint Request”), requesting that Exhibit 2001 be filed “under seal” and be kept separate from the file of the involved patent. Paper 8.

This proceeding is at an early stage, and no decision on whether to institute *inter partes* review has been made. The parties have settled their dispute with regard to U.S. Patent No. 5,865,519. Under these circumstances, we determine that it is appropriate to terminate this proceeding.

With regard to the Joint Request, it is not clear what the parties mean by the language “under seal.” A request under 37 C.F.R. § 42.74(c) to have a filed settlement agreement treated as business confidential information is not the same as a typical motion to seal. The Joint Request is granted to the extent that it requests treatment expressly provided in 37 C.F.R. § 42.74(c)(1) and 37 C.F.R. § 42.74(c)(2), but otherwise denied.

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceeding is *granted*;  
and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*, and that 37 C.F.R. §§ 42.74(c)(1) and (c)(2) apply to govern the terms of accessibility.

IPR2016-00133  
Patent 5,865,519

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