

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KYOCERA CORPORATION
Petitioner

v.

ADC TECHNOLOGY INC.
Patent Owner

Case IPR2013-00107
Patent 8,103,313 B2

Before ANTON W. FETTING, THOMAS L. GIANNETTI, and
SCOTT E. KAMHOLZ, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Motion to Terminate
37 C.F.R. § 42.5

On August 22, 2013, the parties filed a joint motion (Paper No. 27) to terminate this trial proceeding. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. With the motion, the parties filed a copy of a document they described as the written settlement agreement (Ex. 2004), as well as a separate 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 28.

On August 27, 2013, at the request of the Board, a telephone conference was held between the Board and counsel for the parties. As a result of that conference, the parties filed an additional settlement document and a joint request to treat that document as business confidential. Ex. 2005; Paper 31.

This trial was instituted on May 23, 2013, and is still in the preliminary stages. The parties have advised the Board that the co-pending district court litigation is being dismissed and the parties have represented that no other actions involving US Patent 8,103,313 are pending. Under these circumstances, the Board determines that it is appropriate to terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

It is, therefore,

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

FURTHER ORDERED that the parties' joint requests that the settlement agreements (Exs. 2004-2005) 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

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cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is
GRANTED.

For Patent Owner

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