

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDLINE INDUSTRIES, INC.
Petitioner

v.

PAUL HARTMANN AG
Patent Owner

Case IPR2013-00173
Patent 8,152,788 B2

Before KEVIN F. TURNER, BRIAN J. McNAMARA, and
CARL M. DeFRANCO, Administrative Patent Judges.

McNAMARA, *Administrative Patent Judge*.

JUDGMENT
TERMINATION OF THE PROCEEDING

37 C.F.R. § 42.73

The parties have requested that this trial proceeding be terminated pursuant to a settlement. On March 17, 2014, the Board authorized the parties to file a Joint Request to Terminate and a Joint Request to File the Settlement as Business Confidential under 37 C.F.R. 42.74(c). Paper 42. On March 19, 2014, the parties filed a Joint Motion Terminate And To Seal, Paper 43 (“Mot. to Terminate”). See, 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. With their Motion to Terminate and Seal, the parties also filed a copy of a written settlement agreement. Ex. 2009.

A decision to institute a trial was entered on June 20, 2013. Paper 17. This matter was fully briefed and ready for final hearing at the time the parties requested authorization to move to terminate the proceeding. An oral hearing scheduled for March 17, 2014 was cancelled. Although the proceeding was in an advanced stage, the parties have reached agreement to terminate this proceeding and the co-pending district court litigation. Mot. to Terminate 4-5. The parties have identified no other current or anticipated proceedings concerning US Patent 8,152,788 B2 (“the subject patent”). *Id.*

Under these circumstances, the Board determines that it is appropriate, in this case, to enter judgment¹ and 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 request that the settlement agreement be treated as business confidential information which shall be kept

¹ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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separate from the file of the involved patents under the provisions of
35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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