

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUMONDI INC.
D/B/A LUMINOX WATCH COMPANY
Petitioner

v.

LENNON IMAGE TECHNOLOGIES, LLC
Patent Owner

Case IPR2013-00432
Patent 6,624,843 B2

Before DENISE M. POTHIER, JUSTIN T. ARBES, and
TRENTON A. WARD, *Administrative Patent Judges*.

WARD, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On March 11, 2014, the parties filed a joint motion to terminate this proceeding under 35 U.S.C. § 317(a). Paper 16. Along with the motion, the parties filed a copy of a document they described as the written settlement agreement, 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 17.

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. . . . If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).” The parties stated in their motion that they “have settled their dispute, and have reached agreement to terminate this *inter partes* review.” Paper 16 at 1.

The parties are reminded that the Board is not a party to the settlement, and may independently identify any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). This proceeding is still in a relatively early stage, as the Board instituted a trial on January 14, 2014 and Due Date 1 in the Scheduling Order has not yet occurred. The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding without rendering a final written decision. 37 C.F.R. § 42.72.

On August 6, 2013, the Board entered an Order staying Reexamination Control No. 90/012,669, an *ex parte* reexamination of U.S. Patent No. 6,624,843 at

issue in this proceeding. Paper 7. This stay is lifted in view of the termination of this proceeding.

Accordingly, it is:

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

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 1009) 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 cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED; and

FURTHER ORDERED that the stay in *ex parte* Reexamination Control No. 90/012,669 is lifted so that any necessary action, that is consistent with the Board's orders in *inter partes* review IPR 2013-00432, can be taken.

IPR2013-00432
Patent 6,624,843 B2

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