

UNITED STATES PATENT AND TRADEMARK OFFICE  

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BEFORE THE PATENT TRIAL AND APPEAL BOARD  

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UBE MAXELL CO., LTD.  
Petitioner

v.

LG CHEM, LTD.  
Patent Owner  

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Case IPR2013-00471  
Patent 7,695,870 B2  

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Before FRANCISCO C. PRATS, JACQUELINE WRIGHT BONILLA, and  
SCOTT E. KAMHOLZ, *Administrative Patent Judges*.

PRATS, *Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding  
37 C.F.R. § 42.74

The parties filed a joint motion to terminate the instant proceeding, and a true copy of their written settlement agreement (Ex. 1141) made in connection with the termination, in accordance with 35 U.S.C. § 317 and 37 C.F.R. § 42.74(b). Paper 35. The parties also filed a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 36.

For the reasons provided below, the joint motion to terminate is granted. The joint request that the settlement agreement be treated as business confidential information is also granted.

While the parties may agree to settle their issues related to the involved patent, U.S. Patent No. 7,695,870 (“the ’870 patent”), the Board is not a party to the settlement and may determine independently any question of patentability. 37 C.F.R. § 42.74(a).

On January 28, 2014, the Board issued a decision instituting the instant trial as to all but one of the challenged claims of the ’870 patent. Paper 24. In that decision, the Board determined that, as to the claims for which trial was instituted, Ube Maxell showed there is a reasonable likelihood that the claims are unpatentable. *Id.* LG Chem has not yet filed a patent owner response and no oral hearing has been requested or held. In their joint motion to terminate this proceeding the parties state that “[n]o litigation or proceeding involving U.S. Patent 7,695,870 is currently pending.” Paper 35, 3.

In view of the parties’ settlement agreement made in connection with the termination in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the Board determines that it is appropriate to terminate the involvement of Ube Maxell. Moreover, in view of the early stage of this

proceeding, the Board determines that it also is appropriate to terminate the proceeding with respect to LG Chem. Based on the facts of this case, it is appropriate to enter judgment.

It is

ORDERED that the joint motion to terminate IPR2013-00471 is *granted*, and this proceeding is hereby terminated as to all parties including petitioner Ube Maxell and patent owner LG Chem; and

FURTHER ORDERED that the joint request that the settlement agreement be treated as business confidential information and be kept separate from the patent files under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

Case IPR2013-00471

Patent 7,695,870 B2

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