

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILLUMINA, INC.
Petitioner

v.

CIRREX SYSTEMS, LLC
Patent Owner

Case IPR2013-00588
Patent 8,135,250

Before JOSIAH C. COCKS, WILLIAM V. SAINDON, and
JAMES A. TARTAL, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

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

On January 22, 2014, the parties filed a joint motion to terminate this proceeding involving US Patent 8,135,250 (“the ’250 patent”). Paper 11 (“Joint Motion to Terminate”); see 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. Authorization to file the motion was given in a conference call held earlier that day between the Board and counsel for the respective parties. Along with the Joint Motion to Terminate, the parties have filed a copy of their written settlement agreement (Exhibit 1029) dated January 14, 2014, characterized as a “true and correct copy” of the agreement (Joint Motion to Terminate 3), as well as a request (Paper 12) to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The parties also filed a copy of a stipulated motion for dismissal with prejudice in their corresponding litigation (Exhibit 1030), and state that such action was dismissed on January 16, 2014. Joint Motion to Terminate 2. The parties state they do not have other co-pending proceedings involving the ’250 patent. *Id.* at 3.

This case is in the preliminary proceeding¹ stage. The Board has not instituted a trial. Under the circumstances, the Board determines that it is appropriate to terminate this proceeding without rendering either a decision to institute or a final written decision. See 37 C.F.R. § 42.72.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint request that the settlement agreement (Exhibit 1029) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED and this proceeding is terminated.

Case IPR2013-00588

Patent 8,135,250

PETITIONER:

Danielle Herritt

dherritt@mccarter.com

Kia Freeman

kfreeman@mccarter.com

PATENT OWNER:

Tarek Fahmi

tarek.fahmi@fseip.com

Amy Embert

amy.embert@fseip.com