

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABB TECHNOLOGY, LTD.
Petitioner,

v.

IPCO, LLC
Patent Owner

Case IPR2013-00482 (US Patent 6,044,062)
Case IPR2014-00147 (US Patent 6,249,516)

Before THOMAS L. GIANNETTI, BRYAN F. MOORE, and
TREVOR M. JEFFERSON, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Motion to Terminate
37 C.F.R. § 42.72

On November 28, 2014, the parties filed joint motions to terminate these proceedings under 35 U.S.C. § 317. Paper 30.¹ Along with the motion, the parties filed copies of a document they described as the written settlement agreement. Exhibit 2020. A conference call was held with the panel and counsel for the parties on December 1, 2014, to confirm that the document filed is the written settlement agreement required by the statute and that there were no further settlement agreements. Counsel confirmed this during the call. Each motion includes a joint request to treat the settlement agreement as business confidential information under the provisions of 37 C.F.R. § 42.74(c).

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.” The parties state in their motion that they have settled their dispute and have reached agreement to terminate these proceedings and the related district court action. Paper 30, 2–4. They request that the proceedings be terminated in their entirety. *Id.*

A final written decision has not been entered in these proceedings, nor has the Board reached a decision on the merits of the proceedings. The Board is persuaded that, under these circumstances, it is appropriate to terminate the proceedings without rendering a final written decision. 37 C.F.R. § 42.72.

¹ Citations refer to IPR2014-00147. A corresponding motion (Paper 33) and settlement agreement (Exhibit 2018) were filed in IPR2013-00482.

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Accordingly, it is:

ORDERED that the joint motions to terminate these proceedings are GRANTED and proceedings IPR2013-00482 and IPR2014-00147 are hereby terminated;

FURTHER ORDERED that the parties' joint request that the settlement agreements (Exhibit 2018 in IPR2013-00482; Exhibit 2020 in IPR2014-00147) 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.

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