

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DRAEGER SAFETY, INC.
Petitioner

v.

E.D. BULLARD COMPANY
Patent Owner

Case IPR2014-00226
Patent 7,897,919

Before HOWARD B. BLANKENSHIP, GLENN J. PERRY, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

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

On March 14, 2014, the parties filed a joint motion to terminate the instant proceeding pursuant to a settlement agreement. Paper 7. The parties also filed a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Ex. 1025. Additionally, the parties submitted 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 8.

Petitioner filed the Petition for *Inter Partes* Review on December 4, 2013. Paper 1. The Board mailed the Notice of Filing Date Accorded on December 11, 2013. Paper 3. Patent Owner did not file a Preliminary Response, which could have been submitted March 11, 2014 or earlier. In their joint motion to terminate, the parties indicate that they have settled their dispute, including all related litigation, and reached agreement to terminate the instant proceeding. Paper 7, 2. The parties urge the Board to terminate this instant proceeding with respect to both Petitioner and Patent Owner. *Id.* The parties submit that termination is appropriate because *inter partes* review has not been instituted and Patent Owner has not filed a preliminary response. *Id.* Further, the parties report that no other parties are accused of infringing the subject patent. Paper 6, 2.

Upon consideration of the parties' contentions, we agree with the parties that terminating the instant proceeding with respect to both Petitioner and Patent Owner, at this early juncture, promotes efficiency and minimizes unnecessary costs. Based on the facts of this case, it is appropriate to enter judgment¹ without rendering a final written decision. See 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

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

Accordingly, it is:

ORDERED that the joint motion to terminate IPR2014-00226 is *granted*;

FURTHER ORDERED that the instant proceeding is hereby *terminated* as to Petitioner and Patent Owner; and

FURTHER ORDERED that the parties' joint request that the settlement and agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

IPR2014-00226
Patent 7,897,919

For Petitioner:

Cyrus A. Morton

Miles A. Finn

ROBINS, KAPLAN, MILLER & CIRESI L.L.P

camorton@rkmc.com

mafinn@rkmc.com

For Patent Owner:

Mandy Decker

William Ferrell

STITES & HARBISON, PLLC

mdecker@stites.com

wferrell@stites.com