

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JOHN'S LONE STAR DISTRIBUTION, INC.,
Petitioner,

v.

THERMOLIFE INTERNATIONAL, LLC,
Patent Owner.

Case IPR2014-01201
Patent 8,455,531 B2

Before JACQUELINE WRIGHT BONILLA, SHERIDAN K. SNEDDEN,
and ZHENYU YANG, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On June 5, 2015, the parties filed a joint motion to terminate this proceeding (Paper 33), along with a true copy of their written settlement agreement (Ex. 2024). The parties indicated in their joint motion that they have reached an agreement to terminate this proceeding pertaining to U.S. Patent No. 8,455,531 B2 (“the ’531 patent”). Paper 33, 2. On the same day, the parties also filed another joint motion requesting that the settlement agreement be treated as business confidential information and kept separate from the file of the ’531 patent. Paper 34, 2.

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.” We instituted a trial in this proceeding as to claims 1–3, 5, 7–11, 14, 15, 17, 18, 22, 25, 27–31, 34, 35, 37, 38, 42, 44, 46–50, 53, 54, 56, 57, and 61 of the ’531 patent (Paper 12) on February 2, 2015, but we have not decided yet the merits in relation to this proceeding.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial.” As the parties have filed a true copy of their written settlement agreement, which constitutes the entire agreement between the parties with respect to this *inter partes* review (Ex. 2024, 2), we determine that it is appropriate to terminate this proceeding without rendering a final written decision as to the patentability of claims 1–3, 5, 7–11, 14, 15, 17, 18, 22, 25, 27–31, 34, 35,

37, 38, 42, 44, 46–50, 53, 54, 56, 57, and 61 of the '531 patent. *See* 37 C.F.R. §§ 42.72, 42.74.

As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the file of the '531 patent. 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information is GRANTED; and

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED; and

FURTHER ORDERED that the proceeding is TERMINATED.

IPR2014-01201
Patent 8,455,531 B2

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