

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE DOW CHEMICAL COMPANY,
Petitioner,

v.

MALLARD CREEK POLYMERS, INC.,
Patent Owner.

Case IPR2014-01436 (Patent 7,491,753)
Case IPR2014-01437 (Patent 7,981,946)

Before LINDA M. GAUDETTE, GRACE KARAFFA OBERMANN,
and JENNIFER M. MEYER, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

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

On January 29, 2015, the parties filed a Joint Motion to Terminate the Proceeding in each case identified in the caption. Paper 5.¹ That same day, the parties also jointly filed a true copy of a Confidential Settlement Agreement and Release (“Settlement Agreement”) in each case, which resolves the disputes that are the subject of these proceedings (Ex. 1009). The parties request that the Settlement Agreement be treated as business confidential information, to be kept separate from the patent file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. See Joint Submission of Confidential Settlement Agreement, Paper 6. We authorized the filing of those papers in an email communication to counsel.

A Decision to Institute an *inter partes* review has not been entered in either case; both are in a preliminary stage. No significant activity has occurred since the filing of the Petition in each proceeding. Paper 2. Based on these circumstances, it is appropriate to terminate the proceedings. Therefore, the Joint Motion to Terminate the Proceeding is *granted* in each case identified in the caption.

It is

ORDERED that the parties’ joint request that the Settlement Agreement (Ex. 1009) be treated as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate the Proceeding is *granted* in each case identified in the caption; and

FURTHER ORDERED that each proceeding is terminated pursuant to 35 U.S.C. § 317(a).

¹ The documents filed in each proceeding bear identical paper numbers.

IPR2014-01436 (Patent 7,491,753)

IPR2014-01437 (Patent 7,981,946)

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