

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NISSAN NORTH AMERICA, INC. and
HITACHI AUTOMOTIVE SYSTEMS, LTD.,
Petitioner,

v.

DIAMOND COATING TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2014-01545 (Patent 5,629,086)
Case IPR2014-01547 (Patent 6,071,103)

Before CHRISTOPHER L. CRUMBLEY, JO-ANNE M. KOKOSKI, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.72

On March 4, 2015, pursuant to Board authorization, Petitioner Nissan
North America, Inc. and Hitachi Automotive Systems, Ltd. (collectively,

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IPR2014-01547 (Patent 6,071,103)

“Petitioner”) and Patent Owner Diamond Coating Technologies, LLC, filed Joint Motions to Terminate these two related *inter partes* reviews. Paper 15.¹ With the Joint Motions, the parties filed copies of their written settlement agreement covering various matters involving the patents at issue in these proceedings. Ex. 2005. The parties concurrently filed Joint Requests to have the settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 16.

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.” In these proceedings, the Board has not determined whether to institute trial, and has not yet reached a decision on the merits with respect to the patentability of any involved claim. Accordingly, the requirement for terminating the reviews with respect to Nissan and Hitachi, as Petitioner, is met.

Furthermore, “[i]f no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” 35 U.S.C. § 317(a). The Board, therefore, has discretion to terminate these reviews with respect to Patent Owner. In their Joint Motions, the parties note the early stage of the proceedings, the fact that no motions are pending, and the parties’ agreement to end their dispute in District Court as to the subject patents. Paper 15, 3–4.

Based on the present record, we determine that it is appropriate to terminate these *inter partes* reviews as to both Petitioner and Patent Owner

¹ All Papers and Exhibits cited herein share the same docket number in IPR2014-01545 and IPR2014-01547.

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without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

In light of the foregoing, it is

ORDERED that the parties' Joint Requests (Paper 16) to have their settlement agreement (Ex. 2005) treated as business confidential information, to be kept separate from the patent file, are *granted*;

FURTHER ORDERED that the Joint Motions to Terminate these proceedings (Paper 15) are *granted*; and

FURTHER ORDERED that these *inter partes* reviews are hereby *terminated*.

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