

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner,

v.

DIAMOND COATING TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2014-01549
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 3, 2015, pursuant to Board authorization, Petitioner Hyundai Motor America, and Patent Owner Diamond Coating Technologies, LLC, filed a Joint Motion to Terminate this *inter partes* review. Paper 16. With the Joint Motion, the parties filed a copy of their written settlement

agreement covering various matters involving the patent at issue in this proceeding. Ex. 2005. The parties concurrently filed a Joint Request 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 17.

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 this proceeding, 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 review with respect to Hyundai, 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 this review with respect to Patent Owner. In their Joint Motion, the parties note the early stage of the proceeding, the fact that no motions are pending, and the parties’ agreement to end their dispute in District Court as to the subject patents. Paper 16, 3–4.

Based on the present record, we determine that it is appropriate to terminate this *inter partes* review as to both Petitioner and Patent Owner 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 Request (Paper 17) to have their settlement agreement (Ex. 2005) treated as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate this proceeding (Paper 16) is *granted*; and

FURTHER ORDERED that this *inter partes* review is hereby *terminated*.

IPR2014-01549
Patent 6,071,103

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