Trials@uspto.gov
571-272-7822

Paper 8
Date: April 17, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ULTRADENT PRODUCTS, INC.,
Petitioner,

v.

KERR CORPORATION,
Patent Owner.

Case IPR2015-00051
Patent 6,692,251

Before JOSIAH C. COCKS, MITCHELL G. WEATHERLY, and JAMES A. WORTH *Administrative Patent Judges.*

COCKS, *Administrative Patent Judge.*

TERMINATION
Dismissing the Petition
37 C.F.R. §§ 42.5(a), 42.71(a)

On April 15, 2015, the parties filed a "Joint Motion to Terminate Proceedings Pursuant to 35 U.S.C. § 317" (Paper 6), and a request to file the settlement agreement as business confidential information (Paper 7). The parties also filed a copy of the written settlement agreement. Ex. 1043.

Pursuant to 37 C.F.R. § 42.20, a party must obtain Board authorization to file a motion. The parties did not seek prior authorization to file their joint motion to terminate. The Board, however, may waive or suspend any requirement of part 42. 37 C.F.R. § 42.5(b). Given the particular circumstances of this case, we exercise our authority and waive the requirement for prior Board authorization to file the joint motion to terminate.

We have not instituted trial in this proceeding. Thus, this proceeding is in its initial stages. The parties indicate that they have "settled their dispute and have reached agreement to terminate this *inter partes* review." Paper 6, 2. Under these circumstances, we determine that it is appropriate to dismiss the petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

It is

ORDERED that the parties' "Joint Motion to Terminate *Inter Partes* Review Proceedings Pursuant to 35 U.S.C. § 317" (Paper 6) is *granted*;

FURTHER ORDERED that the Petition for *Inter Partes* Review of the above-referenced patent is *dismissed*; and

FURTHER ORDERED that, as was requested timely by the parties (Paper 7), the settlement agreement (Ex. 1043) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c);

For PETITIONER:

Daniel C. Higgs
STOEL RIVES LLP
dchiggs@stoel.com

Dorothy P. Whelan
FISH & RICHARDSON P.C.
whelan@fr.com

For PATENT OWNER:

John Davis
Kurt Summe
WOOD, HERRON & EVANS, L.L.P.
jdavis@whe-law.com
ksumme@whe-law.com