

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BRINKMAN CORPORATION,
Petitioner,

v.

A&J MANUFACTURING, LLC,
Patent Owner.

Case IPR2015-00056
Patent 8,381,712 B1

Before RICHARD E. RICE, MIRIAM L. QUINN, and
CARL M. DeFRANCO, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

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

On authorization from the Board, Patent Owner filed, on December 18, 2015, a Joint Motion to Terminate and Joint Notice of Settlement. Paper 25. Patent Owner also filed a written settlement agreement, made in connection with the termination of the instant proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Exhibit 1. The written settlement agreement has been approved by the Bankruptcy Court presiding over the matter of the Chapter 11 proceeding regarding Petitioner and related companies.

The filings convey that the parties have settled their dispute and that, because the Board has not yet decided the merits of the proceeding, the parties submit termination of the instant *inter partes* review is appropriate. Although the instant proceeding is at an advanced stage post-institution of trial, oral argument has not yet occurred. Upon consideration of the request before us, we determine that terminating the instant proceeding with respect to both parties, without rendering a final written decision, conserves the Board's resources, promotes efficiency, and minimizes unnecessary costs. Based on the facts of this case, it is appropriate to enter judgment.¹ See 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motion to terminate IPR2015-00056 is *granted*; and

FURTHER ORDERED that the instant proceeding is hereby *terminated* as to all parties, including Petitioner and Patent Owner.

¹ A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

IPR2015-00056
Patent 8,381,712 B1

PETITIONER:

Gary A. Clark
Bridgette A. Agness
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
gclark@sheppardmullin.com
bagness@sheppardmullin.com

PATENT OWNER:

Lance D. Reich
MILLER NASH GRAHAM & DUNN LLP
patent@millernash.com