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Paper 8
Entered: 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 IPR2015-00139
Patent 7,210,930 B2

Before JOSIAH C. COCKS, BENJAMIN D. M. WOOD, and MITCHELL G. WEATHERLY, *Administrative Patent Judges.*

WOOD, *Administrative Patent Judge*.

TERMINATION
Dismissing the Petition
37 C.F.R. §§ 42.5(a), 42.71(a), 42.74

The parties have filed a joint motion to terminate this proceeding under 35 U.S.C. § 317(a). Paper 6. In the joint motion the parties state that they "have settled their dispute and have reached agreement to terminate this *inter partes* review." *Id*. at 2. The parties subsequently filed a copy of a written settlement agreement (Ex. 1032), and a joint request that the settlement agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 7).

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.

Trial has not yet been instituted in this proceeding. Thus, this proceeding is in its preliminary stages. Under these circumstances, and upon review of the parties' joint motion and settlement agreement, we determine that it is appropriate to dismiss the petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a), 42.74. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the joint motion to terminate this proceeding is *granted*;

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

FURTHER ORDERED that the parties' settlement agreement (Ex. 1032) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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