

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPENCO MEDICAL CORPORATION,
Petitioner,

v.

EDIZONE, LLC,
Patent Owner.

Case IPR2015-00581
Patent 6,026,527

Before JOSIAH C. COCKS, WILLIAM V. SAINDON, and
TIMOTHY J. GOODSON, *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 Petition for *Inter Partes* Review of U.S. Patent No. 6,026,527.” Paper 9. As a part of that motion, the parties also request that their settlement agreement¹ be treated as business confidential information.

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 “jointly request the termination of this *Inter Partes* Review Proceeding.” Paper 9, 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 Petition for *Inter Partes* Review of U.S. Patent No. 6,026,527” (Paper 9) 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 9), the settlement agreement (Ex. 1) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

¹ A copy of the settlement agreement was filed as Ex. 1.

IPR2015-00581
Patent 6,026,527

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