

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MILLERCOORS LLC,
Petitioner,

v.

CML&J LLC,
Patent Owner.

Case IPR2015-00742
Patent 8,640,905 B2

Before RICHARD E. RICE, MITCHELL G. WEATHERLY, and
CARL M. DeFRANCO, *Administrative Patent Judges*.

RICE, *Administrative Patent Judge*.

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

On June 24, 2015, the parties filed a joint motion (Paper 8, “Jt. Mot.”) to terminate this proceeding on the basis of a settlement reached by the parties, and also filed a copy of their written settlement agreement (Ex. 1021). The parties request that their settlement agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Jt. Mot. 2.

The parties’ joint motion to terminate was filed at a preliminary stage of this proceeding, and the Board has not yet determined whether to institute an *inter partes* review. The parties represent that pursuant to their settlement agreement the parties will file a stipulation of dismissal of the related district court law suit. Jt. Mot. 1–2. The parties further represent that “[n]o additional district court litigation is currently pending and therefore termination is appropriate.” *Id.* at 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).

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ joint request that the settlement agreement be treated as business confidential information, kept separate from the files of U.S. Patent No. 8,640,905 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*;

FURTHER ORDERED that the joint motion to terminate the instant proceeding is *granted*; and

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

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