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Paper 16
Entered: February 23, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRW AUTOMOTIVE US LLC,
Petitioner,

v.

MAGNA ELECTRONICS INC.,
Patent Owner.

Cases
IPR2015-00923
IPR2015-01012
IPR2015-01013[1]
Patent 8,686,840 B2

Before PHILLIP J. KAUFFMAN, BARRY L. GROSSMAN, and ROBERT J. WEINSCHENK, *Administrative Patent Judges.*

KAUFFMAN, *Administrative Patent Judge.*

ORDER
Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. § 42.72

[1] We use this caption to indicate that this Decision applies to, and is entered in, each case. The parties are not authorized to use this caption.

Pursuant to authorization by the Board, TRW Automotive U.S. LLC ("Petitioner") and Magna Electronics, Inc. ("Patent Owner") filed a Joint Motion to Terminate, (Paper 14 ("Joint Motion")), jointly requesting termination of this *inter partes* review proceeding and that we treat the submitted settlement agreement (Ex. 1023 ("Settlement Agreement")) as "business confidential."[2]

Under 35 U.S.C. § 317(a), an *inter partes* review proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Patent and Trademark Office has decided the merits of the proceeding before the request for termination is filed. The Board has not decided the merits of this case. Thus, this proceeding is eligible for termination. Furthermore, under 35 U.S.C. § 317(a), "[i]f no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a)." Petitioner is the sole petitioner in this review.

Under 35 U.S.C. § 317(b), any agreement or understanding between the Patent Owner and a Petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of the proceeding shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office. Patent Owner and Petitioner state in the Joint Motion that the parties have agreed to settle their dispute and have reached a written agreement to terminate this proceeding. Joint Motion 2. In support of the Joint Motion, the parties submitted Exhibit 1023 as

[2] Unless otherwise stated, we reference the papers and exhibits of IPR2015-00923. The other proceedings contain similar fillings.

evidence of their agreement. The parties also represent that Exhibit 1023 is a true and correct copy of the agreement and is filed in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), and thus represent that there are no collateral agreements or understandings in connection with, or in contemplation of, the termination of this proceeding. *Id*.

Upon consideration of the facts in the case before us, we grant the Joint Motion and terminate this proceeding as to both Petitioner and Patent Owner without rendering a final written decision. 37 C.F.R. § 42.72. We also grant the joint request to maintain the Settlement Agreement as business confidential in accordance with 37 C.F.R. § 42.74(c).

ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate this proceeding is *granted* and, accordingly, this proceeding is hereby *terminated*; and

FURTHER ORDERED that the parties' joint request that the agreement (Ex. 1023) submitted in support of the Joint Motion be treated as business confidential information, to be kept separate from the file of U.S. Patent No.8,686,840 B2, and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

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