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Paper 9
Date: October 27, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CREE, INC.,
Petitioner,

v.

HONEYWELL INTERNATIONAL, INC.,
Patent Owner.

Case IPR2015-01056
Patent RE41,685 E

Before BENJAMIN D. M. WOOD, MICHAEL J. FITZPATRICK, and JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

DECISION
Dismissing Petition Pursuant to Settlement
37 C.F.R. § 42.71(a)

Petitioner, Cree, Inc., filed a Petition to institute an *inter partes* review of claims 10–14 of U.S. Patent No. RE41,685 E (Ex. 1001, "the '685 patent") pursuant to 35 U.S.C. § 311(a). Paper 2, "Pet." Patent Owner, Honeywell International, Inc., did not file a Preliminary Response pursuant to 35 U.S.C. § 313.

On October 22, 2015, prior to our decision on institution and upon receiving leave to do so, the parties filed a "Joint Motion to Terminate the Proceeding" based on a settlement agreement that resolves the parties' disputes related to the involved patent.[1] Paper 7. The parties also filed a copy of the settlement agreement (Ex. 1015) along with a "Joint Request To Keep Separate." Paper 8; *see also* 37 C.F.R. § 42.74(c) ("A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.").

Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

[1] Technically, leave was granted to file a joint motion to dismiss the petition, not to terminate a proceeding that is yet to be instituted.

Accordingly, it is:

ORDERED that the Petition is dismissed; and

FURTHER ORDERED that the settlement agreement (Ex. 1015) be treated as business confidential information and be kept separate from the files of the involved U.S. Patent No. RE41,685 E.

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