

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRESTRON ELECTRONICS, INC.,

Petitioner,

v.

INTUITIVE BUILDING CONTROLS, INC.,

Patent Owner.

Case IPR2015-01379

Patent 5,945,993

Before KEN B. BARRETT, MICHAEL W. KIM, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

JUDGMENT

Termination of the Proceeding

37 C.F.R. § 42.72

On March 18, 2016, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceedings (Paper 36; “Mot.”) under 35 U.S.C. § 317(a), and a Joint Request to File Settlement Agreement as Business Confidential (Paper 37) in order to have the settlement agreement kept separate from the files of the involved patent under 37 C.F.R. § 317(b) and 37 C.F.R.

§ 42.74(c). The settlement agreement was filed as confidential Exhibit 2002.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties.

See, e.g., Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties have filed such an agreement. Ex. 2002.

In their Motion, the parties indicate that they have settled their dispute with regard to U.S. Patent No. 5,945,993 and that all related litigation involving U.S. Patent No. 5,945,993 between the parties has been dismissed with prejudice. Mot. 2. The parties further indicate Creston Electronics, Inc. is the sole Petitioner in this matter. *Id.*

The trial phase of this proceeding is it in its early stages, as Patent Owner has not yet filed a Patent Owner Response and Petitioner has not yet filed a Reply. Under these circumstances, we are persuaded that it is appropriate to terminate this proceeding with respect to both Petitioner and Patent Owner.

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceedings is granted;

FURTHER ORDERED that this proceeding is terminated with respect to both Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential is *granted*, and Exhibit 2002 will be kept as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Case IPR2015-01379

Patent 5,945,993

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