

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC,
Petitioner,

v.

ENTRY SYSTEMS, LLC,
Patent Owner.

Case IPR2015-01498
Patent 6,161,005

Before JAMESON LEE, MATTHEW R. CLEMENTS, and
JOHN F. HORVATH, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

ORDER
Granting Motion to Terminate
37 C.F.R. §§ 42.5(a), 42.71(a)

On October 1, 2015, the parties filed a “Joint Motion to Terminate and Keep Separate Under 35 U.S.C. § 317.” Paper 9. The parties’ Joint Motion requests termination of this proceeding because the parties have reached an agreement settling their dispute with respect to U.S. Patent No. 6,161,005 (“the ’005 Patent”). *Id.* at 1. The parties concurrently filed a true copy of their Settlement Agreement (Ex. 1013), and request the Settlement Agreement be treated as business confidential information, and kept separate from the file of the ’005 Patent. *Id.* at 2.

This proceeding is at an early stage. Patent Owner has not filed a preliminary response to the Petition for *Inter Partes* Review, and we have neither considered the merits of the Petition nor instituted trial. The parties jointly represent that the District Court has dismissed with prejudice Case No. 2:14-cv-1090-JNA (E.D. Tex) concerning the ’005 Patent. Paper 9, 1–2.

Under the foregoing circumstances, we determine it is appropriate to terminate this proceeding. *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).

Accordingly, it is hereby:

ORDERED that the Joint Motion to Terminate the Proceeding is *granted* and this proceeding is *terminated*; and

FURTHER ORDERED that the Petition for *Inter Partes* Review of U.S. Patent No. 6,161,005 is *dismissed*;

FURTHER ORDERED that the Joint Request to Treat the Settlement Agreement as Business Confidential Information is *granted*; and

IPR2015-01498
Patent 6,161,005

FURTHER ORDERED that the Settlement Agreement (Ex. 1013) be treated as business confidential information, and kept separate from the file of U.S. Patent No. 6,161,005.

IPR2015-01498
Patent 6,161,005

For PETITIONER:

Gary Serbin
Raymond Kurz
Joseph Raffetto
HOGAN LOVELLS US LLP
gary.serbin@hoganlovells.com
raymond.kurz@hoganlovells.com
joseph.rafetto@hoganlovells.com

For PATENT OWNER:

Neil Massand
Hao Ni
NI, WANG & MASSAND, PLLC
nmassand@nilawfirm.com
hni@nilawfirm.com