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Paper No. 18
Entered: October 5, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DAIFUKU CO., LTD. AND DAIFUKU AMERICA CORP.,
Petitioner,

v.

MURATA MACHINERY, LTD.,
Patent Owner.

Cases: IPR2015-01538 (Patent 6,113,341)
IPR2015-01539 (Patent 6,183,184 B1)

Before KEN B. BARRETT, BARRY L. GROSSMAN, and BRIAN P. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER
Termination of the Proceedings
35 U.S.C. § 317(a), 37 C.F.R. § 42.72

On September 21, 2016 and September 27, 2016, we authorized Daifuku Co., Ltd. and Daifuku America Corp. ("Petitioner") and Murata Machinery, Ltd. ("Patent Owner") to file joint motions to terminate the above-identified proceedings. Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, the parties filed Joint Motions to terminate each of these proceedings. Paper 21 ("Joint Motion" or "Joint Mot.").[1] The parties also filed confidential Settlement Agreement documents in support of their Joint Motions. Ex. 1012 ("Executed Settlement Agreement"); Ex. 1013 ("Translated Settlement Agreement"). The parties' Joint Motions included requests to treat the Settlement Agreement documents as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

"An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." 35 U.S.C. § 317(a). The Board has not yet decided the merits of these proceedings, and final written decisions have not been entered. Petitioner and Patent Owner represent that they have settled all of their disputes involving the patents at issue and have agreed to stipulate to dismissal of the related court action. Joint Mot. 1–2. The parties further represent that there are no other

[1] For ease of reference, all citations are to the papers and exhibits filed in IPR2015-01538, unless otherwise indicated. Similar papers and exhibits were filed in IPR2015-01539.

IPR proceedings currently pending before the Board involving the patents at issue. Joint Mot. 2.[2]

Accordingly, we determine that good cause exists to terminate these proceedings.

IV. ORDER

For the foregoing reasons, it is

ORDERED that the Joint Motions to terminate IPR2015-01538 (Paper 21) and IPR2015-01539 (Paper 17) are *granted*;

FURTHER ORDERED that the Joint Motions to treat the Settlement Agreement documents in IPR2015-01538 (Ex. 1012 and Ex. 1013) and IPR2015-01539 (Ex. 1011 and Ex. 1012) as business confidential information, to be kept separate from the respective patent files, are *granted*; and

FURTHER ORDERED that the above-identified *inter partes* review proceedings are hereby terminated.

[2] The September 27, 2016, letter filed as part of the Settlement Agreement documents provides that the withdrawal provisions of the settlement apply to the patents at issue in IPR2015-01538 and IPR2015-01539. Ex. 1013, 11–12.

IPR2015-01538 (Patent 6,113,341)
IPR2015-01539 (Patent 6,183,184 B1)

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