

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARL ZEISS MICROSCOPY, LLC,
Petitioner,

v.

ADVANCED MICROSCOPY INC.,
Patent Owner.

Case IPR2016-00051
Patent 6,313,452 B1

Before MICHAEL R. ZECHER, JUSTIN T. ARBES, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

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

On July 6, 2016, the parties filed a joint motion to terminate the proceeding (Paper 14) on the basis of a settlement reached by the parties. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), *see* Ex. 2003, and a request that the settlement agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 15. The parties additionally filed a Joint Stipulation of Dismissal that was entered in the related district court case. *See* Ex. 2004.

The parties' joint motion to terminate was filed prior to DUE DATES 1–7 and the oral hearing in this case, and we have not decided the merits of this proceeding. *See* 35 U.S.C. § 317(a). The parties represent that they “have . . . settled their dispute” and that “[t]he District Court has now dismissed the case” with prejudice as a result of the parties' Joint Stipulation of Dismissal (Ex. 2004). Paper 14, 2–3. The parties also represent that, among the nine other district court cases involving the challenged patent to which Petitioner is not a party, eight cases have been settled and dismissed. *Id.* at 3–4. Given these facts, we determine that it is appropriate to terminate this proceeding, without rendering a final written decision, under 37 C.F.R. § 42.72.

“At the request of a party to the proceeding, the [settlement] agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written

request, or to any person on a showing of good cause.” 35 U.S.C. § 317(b).
The parties have made such a request.

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ joint request to treat their settlement agreement (Ex. 2003) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the parties’ settlement agreement be kept separate from the file of U.S. Patent No. 6,313,452 B1, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause; and

FURTHER ORDERED that the joint motion to terminate the instant proceeding is *granted* and the proceeding is hereby *terminated*.

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Patent 6,313,452 B1

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