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Paper 9
Entered: November 10, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

CRESWELL HOLDINGS LLC,
Patent Owner.

Case IPR2016-01089
Patent 6,318,695 B1

Before PATRICK R. SCANLON, RICHARD E. RICE, and BARRY L. GROSSMAN, *Administrative Patent Judges.*

RICE, *Administrative Patent Judge.*

TERMINATION ORDER
Dismissing the Petition
37 C.F.R. §§ 42.5(a), 42.71(a)

On November 4, 2016, the parties filed an Amended Joint Motion To Terminate (Paper 8, "Joint Motion" or "Jt. Mot.") seeking to terminate this proceeding on the basis of a settlement. The parties also filed a copy of their written settlement agreement (Ex. 2002).[1] In their Joint Motion, the parties request that their settlement agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Jt. Mot. 2.

Further, the parties represent that the related district court litigation (*Creswell Holdings, LLC. v. Lenovo (United States) Inc.*, 4:15-cv-407 (EDTX)) has been dismissed pursuant to their settlement agreement. *Id.* The parties also represent that "[n]o dispute remains between [Patent Owner] and [Petitioner] regarding [U.S. Patent No. 6,318,695 B1, which Petitioner challenged in the Petition]." *Id.* at 3.

The parties' Joint Motion was filed at a preliminary stage of this proceeding, and the Board has not yet determined whether to institute an *inter partes* review. Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a).

This Termination Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint request that the settlement agreement (Ex. 2002) be treated as business confidential information is *granted*;

FURTHER ORDERED that the parties' joint motion to terminate the instant proceeding (Paper 8) is *granted*; and

[1] The parties had previously filed that same exhibit on November 1, 2016. The record currently contains two duplicate copies of Exhibit 2002.

FURTHER ORDERED that the Petition is *dismissed*.

IPR2016-01089
Patent 6,318,695 B1

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