

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STRAUMANN MANUFACTURING, INC., STRAUMANN USA LLC,
STRAUMANN HOLDING AG, DENTAL WINGS INC.,
INSTITUT STRAUMANN AG, and ETKON GMBH,
Petitioners,

v.

ZIRCORE, LLC,
Patent Owner.

Case IPR2017-00081
Patent 7,690,920 B2

Before HYUN J. JUNG, BARBARA A. PARVIS, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

After obtaining authorization from the Board, the parties filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 7), along with what the parties indicate are true and correct copies of their settlement agreement and license agreement (Ex. 1018). The parties indicate that they “have settled their dispute involving the ’920 patent” (Paper 7, 1) and “have agreed to dismiss with prejudice the related district court litigation . . . thereby resolving all the disputes between the Parties involving the ’920 patent” (*id.* at 2). The parties also represent that the filed agreements are true and correct copies (*id.* at 1) and constitute the “entirety of the agreements and understandings between the Patent Owner and Petitioners made in connection with, or in contemplation of, the termination of this inter partes review proceeding” (*id.* at 2). Concurrent with the filing of the agreements, the parties filed a Joint Request that Settlement Agreement be Treated as Business Confidential Information and Kept Separate from the Files Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8.

This proceeding is in its preliminary stage, and a decision on whether to institute trial has not yet been made. Under these circumstances, we determine it is appropriate to dismiss the Petition for *inter partes* review in IPR2017-00081. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

As requested by the parties, the agreements filed will be treated as business confidential information and be kept separate from the patent file. 37 C.F.R. § 42.74(c).

In view of the foregoing, it is

ORDERED that the parties' Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 7) is *granted*, and the Petition is hereby *dismissed*; and

FURTHER ORDERED that the parties' Joint Request that Settlement Agreement be Treated as Business Confidential Information and Kept Separate from the Files Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8) is *granted*, and Exhibit 1018 will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and be kept separate from the file of U.S. Patent No. 7,690,920 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

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