

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WOODFOREST LIGHTING INC. D/B/A FOREST LIGHTING USA,
Petitioner,

v.

ILUMISYS, INC.,
Patent Owner.

Case IPR2017-00383
Patent 7,510,299 C3

Before BRYAN F. MOORE, BARBARA A. BENOIT, and
JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

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

Pursuant to Petitioner's request, the Board authorized Petitioner to file an unopposed motion to dismiss the above-captioned proceeding. On May 18, 2017, Petitioner filed an "Unopposed Motion to Terminate" (Paper 9) and an "Unopposed Motion to File Settlement Agreement as Business Confidential Information" (Paper 10),¹ along with a copy of the settlement agreement (Ex. 1021).

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). This case is in the preliminary proceeding stage, which begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. *See* 37 C.F.R. § 42.2. Petitioner filed a Petition on December 1, 2016. Paper 1. Patent Owner did not file a Preliminary Response, and no decision whether to institute a trial has been rendered.

Petitioner represents that Exhibit 1021 is a true copy of the settlement agreement between the parties. Paper 9, 2–3. Petitioner also represents that the parties are moving to dismiss the claim and counterclaim regarding the challenged patent in the pending district court litigation between the parties, namely, *ilumisys, Inc. d/b/a TOGGLED v. Woodforest Lighting Inc. d/b/a Forest Lighting USA*, Case No. 16-cv-02793 (S.D. Tex). *Id.* at 2.

Based on the facts of the case, and in view of Petitioner's unopposed motion, we determine that it is appropriate to dismiss the Petition as to both Petitioner and Patent Owner without rendering either a decision to institute or a final written decision. *See* 37 C.F.R. §§ 42.5(a); 42.71(a). Therefore,

¹ Petitioner also filed an unopposed motion as Paper 11, which appears to be a duplicate of Paper 10.

the Unopposed Motion to Terminate and Unopposed Motion to File Settlement Agreement as Business Confidential Information are *granted*. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Unopposed Motion to File Settlement Agreement as Business Confidential Information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Unopposed Motion to Terminate is *granted*; and

FURTHER ORDERED that the Petition for *Inter Partes* Review of the above-referenced patent is *dismissed*.

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Patent 7,510,299 C3

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