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Paper: 13
Entered: April 5, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JOHNDOW INDUSTRIES, INC. and
HAMATON AUTOMOTIVE TECHNOLOGIES CO., LTD.,
Petitioners,

v.

CONTINENTAL AUTOMOTIVE SYSTEMS, INC.,
Patent Owner.

Case IPR2017-00508
Patent 8,576,060 B2

Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and MELISSA A. HAAPALA, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

Pursuant to our authorization, the parties filed a joint Motion to Terminate this proceeding. Paper 12. The parties assert that they "have reached a settlement agreement that resolves all disputes between the Parties

regarding the '060 patent." *Id.* at 4. The parties have submitted a copy of a written settlement agreement among them as Exhibit 1040, and represent that it is "[a] true copy of the complete settlement agreement" and that "[n]o other such agreements, written or oral, exist between or among the Parties." *Id.* at 2, 4. The parties also "request that the settlement agreement (including any related attachments) filed herewith as Exhibit 1040 be treated as **business confidential information**, be kept separate from the file of the above captioned IPR, and be made available only to Federal Government agencies on written request, or to a person on a showing of good cause." *Id.*at 5–6.

"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 proceeding is at an early stage, with the Office not yet having determined whether to institute the proceeding. We determine that good cause exists to terminate this proceeding with respect to all parties without rendering a final written decision.

> At the request of a party to the proceeding, the 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). After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant

to 35 U.S.C. § 317(b). In light of termination of the proceeding, we dismiss Petitioners' motions for *pro hac vice* admission of Aaron P. Bradford and Andrea M. LaFrance (Papers 10 and 11) as moot.

It is

ORDERED that Petitioners' motions for *pro hac vice* admission of Aaron P. Bradford and Andrea M. LaFrance (Papers 10 and 11) are dismissed as moot;

FURTHER ORDERED that the joint Motion to Terminate (Paper 12) is *granted*;

FURTHER ORDERED that this proceeding is hereby terminated as to all Petitioners and as to Patent Owner; and

FURTHER ORDERED that the filed settlement agreement (Ex. 1040) be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and also remain designated as "Parties and Board Only" in PTAB E2E.

PETITIONER:

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