Trials@uspto.gov
571-272-7822

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LOWE'S COMPANIES, INC.,
LOWE'S HOME CENTERS, LLC AND L G SOURCING, INC.,
Petitioner,

v.

NICHIA CORP.,
Patent Owner.

Case IPR2017-02011[1]
Case IPR2017-02014
Patent 8,530,250 B2

Before BRIAN J. MCNAMARA, STACEY G. WHITE, AND BRENT M. DOUGAL, *Administrative Patent Judges.*

DOUGAL, *Administrative Patent Judge.*

DECISION
Terminating the Proceeding
37 C.F.R. § 42.72, § 42.74

[1] This Order addresses issues that are identical in related cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

The parties have requested that the above-captioned proceedings be terminated pursuant to a settlement. The Board authorized the parties to file a joint motion to terminate the proceedings on June 1, 2018.

On June 13, 2018, and pursuant to 35 U.S.C. § 317(a), the parties filed a Joint Motion to Terminate the proceedings (IPR2017-02011, Paper 26; IPR2017-02014, Paper 27) and a Joint Request to file the settlement agreement as business confidential information, to be kept separate from the patent file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (IPR2017-02011, Paper 27; IPR2017-02014, Paper 28), along with a copy of the settlement agreement (IPR2017-02011, Ex. 2127; IPR2017-02014 Ex. 2027). The parties represent that each of Exhibits 2027 and 2127 is a true copy of the Settlement Agreement between the parties. IPR2017-02011, Paper 26, 2; IPR2017-02014, Paper 27, 2.

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). We instituted trial in IPR2017-02011 on March 12, 2018. IPR2017-02011, Paper 13. We instituted trial in IPR2017-02014 on March 11, 2018. IPR2017-02014, Paper 14. Thus, these proceedings are trials subject to termination under 37 C.F.R. § 42.72. *See* 37 C.F.R. § 42.2.

Based on the facts of the cases, and in view of the parties' Joint Motion to Terminate, we are persuaded that it is appropriate to terminate these proceedings with respect to both Petitioner and Patent Owner without rendering any further decisions. *See* 37 C.F.R. §§ 42.5(a), 42.72. Therefore, the Joint Motion to Terminate and the Joint Request to treat the 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 Joint Request to treat the settlement agreement as business confidential information, to be kept separate from the patent file, is *granted*;

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

FURTHER ORDERED that these proceedings are terminated with respect to both Petitioner and Patent Owner.

PETITIONER:

Scott D. Stimpson
Tod Melgar
SILLS CUMMIS & GR5OSS P.C.
sstimpson@sillscummis.com
tmelgar@sillscummis.com

PATENT OWNER:

Martin M. Zoltick
Robert P. Parker
Michael H. Jones
Mark T. Rawls
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
mzoltick@rfem.com
rparker@rfem.com
mjones@rfem.com
mrawls@rfem.com