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Paper 9
Entered: May 16, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMPHENOL CORPORATION,
Petitioner,
v.

3M INNOVATIVE PROPERTIES COMPANY,
Patent Owner.

Case IPR2018-00319
Patent 8,933,333 B2

Before JOSEPH L. DIXON, BRYAN F. MOORE, and MELISSA A. HAAPALA, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

ORDER

Dismissing the Petition Pursuant to Settlement

37 C.F.R. §§ 42.71(a), 42.74

On May 4, 2018, pursuant to Board authorization, Petitioner and Patent Owner filed a joint motion requesting termination of the proceeding[1] identified in the caption. Paper 7. Along with the motion, the parties filed a

[1] We treat this as a motion to dismiss the petition prior to institution.

copy of a document they describe as a settlement agreement (Paper 7, 1; Ex. 1122), as well as a joint request to treat the settlement agreement as business confidential information. Paper 8; *see* 37 C.F.R. § 42.74(c) (a party to a settlement may request that the settlement agreement be treated as business confidential and be kept separate from the patent file).

The case is in a preliminary stage. The Board has not yet issued decisions on whether to institute the proceeding. The parties state in the joint motion that they have settled their dispute and have reached agreement to terminate this *inter partes* review. Paper 7, 1. We are persuaded that, under these circumstances, it is appropriate to dismiss the Petition in the proceeding. 37 C.F.R. § 42.71(a). This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

It is therefore

ORDERED that the joint motion is *granted* and the Petition is dismissed in this proceeding; and

FURTHER ORDERED that the joint request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is *granted* in this proceeding.

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