

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ONED MATERIAL LLC
Petitioner,

v.

NEXEON LIMITED,
Patent Owner.

Case IPR2018-01246
Patent 9,583,762 B2

Before JON B. TORNQUIST, CHRISTOPHER M. KAISER, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

ORDER
Dismissing the Petition
37 C.F.R. §§ 42.71(a), 42.74

On October 25, 2018, with Board authorization, the parties filed a joint motion to dismiss. Paper 5. On October 29, 2018, the parties also filed what they represent is a copy of their written settlement agreement (Ex. 1037) and a joint request that the settlement agreement be treated as business confidential information and kept separate from the file of U.S. Patent No. 9,583,762 B2 (Paper 6).

This proceeding is still in its early stages as the Board has not issued a decision on institution. The parties represent that they have settled their dispute with respect to U.S. Patent No. 9,583,762 B2 and that “there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding.” Paper 5, 2. Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71. We also determine that it is appropriate to treat the settlement agreement (Ex. 1037) as business confidential information to be kept separate from the file of U.S. Patent No. 9,583,762 B2. *See* 35 U.S.C. § 317(b). This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

In consideration of the foregoing, it is hereby:

ORDERED that the joint motion to dismiss (Paper 5) is *granted*;

FURTHER ORDERED that the parties’ joint request (Paper 6) that the settlement agreement (Ex. 1037) be treated as business confidential information and kept separate from the patent file is *granted*; and

FURTHER ORDERED that the Petition is *dismissed*.

IPR2018-01246
Patent 9,583,762 B2

PETITIONER:

Jennifer Hayes N
Nixon Peabody LLP
jenhayes@nixonpeabody.com

PATENT OWNER:

S. Richard Carden
Scott M. Dyar
James V. Suggs
McDonnell Boehnen Hulbert & Berghoff LLP
carden@mbhb.com
dyar@mbhb.com
suggs@mbhb.com