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Paper 9
Entered: November 26, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HAIER US APPLIANCE SOLUTIONS, INC.,
Petitioner,

v.

UNIVERSITY OF SOUTH FLORIDA RESEARCH FOUNDATION, INC.,
Patent Owner.

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Case IPR2018-01510
Patent 7,306,115 B2

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Before KRISTEN L. DROESCH, BRYAN F. MOORE, and CARL M. DEFRANCO, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

DISMISSAL OF PETITION
*37 C.F.R. § 42.71(a)*

On October 11, 2018, the parties filed a joint motion to terminate this proceeding. Paper 7. Along with the motion, the parties filed a copy of a written settlement agreement (Ex. 1022) and a request to treat the settlement agreement as business confidential (Paper 8).

This proceeding is in a preliminary stage. The patent owner has yet to file a preliminary response to the petition, and we have yet to issue a decision on whether to institute *inter partes* review. The parties represent that they have resolved all disputes between them concerning the challenged patent, including the co-pending district court action, *University of South Florida Research Foundation, Inc.* v. *Haier US Appliance Solutions, Inc. d/b/a GE Appliances*, Case No. 8:17-cv-03074 (M.D. Fla.), which has been dismissed "with prejudice." Paper 5, 2. The parties further represent that "[t]here are no additional defendants in that litigation." *Id.* at 4. Under these circumstances, we determine that it is appropriate to dismiss the petition. *See* 37 C.F.R. § 42.71(a). This dismissal is not a final written decision under 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the joint motion to terminate this proceeding is *granted*;

FURTHER ORDERED that the petition for *inter partes* review of the challenged patent is *dismissed*; and

FURTHER ORDERED that the joint request for the settlement agreement (Ex. 1022) to be treated as business confidential information and to be kept separate from the patent files is *granted*.

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