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Paper No. 24
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VESTAS-AMERICAN WIND TECHNOLOGY, INC.
and VESTAS WIND SYSTEMS A/S,
Petitioner,

v.

GENERAL ELECTRIC CO.,
Patent Owner.

IPR2018-01015 (Patent 7,629,705 B2)
IPR2018-01563 (Patent 6,921,985 B2)[1]

Before MICHAEL W. KIM, JEFFREY W. ABRAHAM, and SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

ORDER
Granting Joint Motions to Terminate Proceedings Due to Settlement after Institution and
Granting Joint Requests to Treat Settlement Agreement as Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

[1] This Order applies to each of the above-identified proceedings. We exercise our discretion to issue one Order to be docketed in each proceeding. The parties, however, are not authorized to use this caption for any subsequent papers.

I. INTRODUCTION

Petitioner and Patent Owner ("Parties") have requested that each of the above-identified *inter partes* review proceedings be terminated. On June 25, 2019, the Parties filed a Joint Motion to Terminate Proceedings in each of the above-identified proceedings ("Motions"). Paper 33.[2] The Parties represent that the Board authorized filing of the Motions. *Id.* at 1–2. The Parties also filed, in each of the above-identified proceedings, a Joint Motion ("Requests") (Paper 34[3]) to treat their Settlement Agreement (Ex. 2023[4]) as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

II. DISCUSSION

Under 35 U.S.C. § 317(a), "[a]n 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) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

The Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, and that the filed copies of the Settlement Agreement are true and complete copies. Paper 33, 4–5. The Parties further represent that they have resolved the dispute regarding the patents at issue in the above-identified proceedings,

[2] The Parties filed a similar motion in IPR2018-01563. Paper 23.
[3] The Parties filed a similar motion in IPR2018-01563. Paper 22.
[4] The Parties filed a similar exhibit in IPR2018-01563. Ex. 2006.

and the related litigation[5] regarding US Patent Nos. 7,629,705 (Paper 33, 3–4) and 6,921,985 (IPR2018-01563, Paper 23, 3–4).

We instituted trial for IPR2018-01015 on November 14, 2018 (*see* Paper 9) and for IPR2018-01563 on February 26, 2019 (*see* Paper 11). We have not yet decided the merits of these proceedings, and final written decisions have not been entered. Notwithstanding that these proceedings have moved beyond the preliminary stage, the Parties have shown adequately that the termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

Regarding the Parties' Request to treat the Settlement Agreement as business confidential information and be kept separate from the file of the respective patents involved in the above-identified *inter partes* proceeding, we determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is:

ORDERED that the Joint Motions to Terminate (IPR2018-01015, Paper 33 and IPR2018-01563, Paper 23) are *granted*, and that IPR2018-01015 and IPR2018-01563 are *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

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[5] *General Electric Co. v. Vestas Wind Systems A/S, et al.*, Case No. 2:17-cv-05653-AB-PLA (C.D. Cal.).

FURTHER ORDERED that the Joint Motions (IPR2018-01015, Paper 34 and IPR2018-01563, Paper 22) to treat the Settlement Agreement (IPR2018-01015, Ex. 2023 and IPR2018-01563, Ex. 2006) as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*.

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