

Filed on behalf of Bomtech Electronics, Co. Ltd.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Bomtech Electronics, Co. Ltd.
Petitioner

v.

MT. Derm GMBH
Patent Owner

IPR2014-00138
U.S. Patent No. 6,505,530

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board's May 2, 2014 Order (Paper No. 10) granting the Parties permission to file this motion, Petitioners Bomtech Electronics, Co. Ltd. ("Bomtech") and Patent Owner MT. Derm GMBH ("MT.Derm") jointly request (1) termination of the *Inter Partes* Review of U.S. Patent No. 6,505,530, Case No. IPR2014-00138 and (2) that the Parties' written settlement agreement (attached as Exhibit 1023) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

I. Termination of Case No. IPR2014-00138 Would Be Appropriate

Bomtech filed its petition for *inter partes* review on November 11, 2013, and review was instituted on April 22. Termination of this review is appropriate because the case is at a sufficiently early stage of the trial and no motion are outstanding. Further, the parties have settled their dispute, and have entered into a written settlement agreement (attached as Exhibit 1023) which includes the parties agreement to seek termination of this *inter partes* review, and a corresponding district court litigation, *MT. Derm Gmbh, et. al. v. Bomtech Electronics Co., et. al.*, 13-2933 (E.D.N.Y.) ("the district court action"). On May 1, 2014, a stipulated dismissal of all claims with prejudice was filed in the district court action; that dismissal was signed by Judge William Kuntz on May 2, 2014.

Therefore, termination of this case is appropriate because (a) the case is at a sufficiently early stage of trial; (b) the parties have settled their disputes; (c) the related district court litigation has been dismissed; and (d) the parties to this case agree that this *inter partes* review should be terminated.

As set forth in 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the settlement agreement between the parties has been made in writing, and a true and correct copy of the agreement is being filed with the Board as Exhibit 1023 to this Joint Motion. As stated in 35 U.S.C. § 317(a), because Bomtech and MT. Derm GMBH request this termination as to Petitioners Bomtech, no estoppel under 35 U.S.C. § 315(e) shall attach to Bomtech.

II. The Patent Office Should Maintain the Parties' Written Settlement Agreement as Business Confidential Information

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, the Parties jointly request that the their written settlement agreement (Exhibit 1023) be treated as business confidential information, be kept separate from the file of the involved patent, and be made available only as permitted pursuant to the provisions of 37 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). This joint request is filed contemporaneously with the filing of the Parties' written settlement agreement.

III. Conclusion

Therefore, Bomtech and MT. Derm respectfully request (a) termination of the *Inter Partes* Review of U.S. Patent No. 6,505,530, Case No. IPR2014-00138

and (b) that Exhibit 1023 (the parties' written settlement agreement) be treated as business confidential information.

Dated: May 6, 2014

Respectfully submitted,

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Certification of Service

Pursuant to 37 C.F.R. §§42.6(e) and 42.105, this is to certify that I caused a true and correct copy of the **JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317** to be served via FedEx, next day delivery, and via electronic mail on Patent Owner at the following correspondence address of record for the subject patent, on May 6, 2014:

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