

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOMTECH ELECTRONICS, CO. LTD.
Petitioner

v.

MEDIUM-TECH MEDIZINGERÄTE GMBH
Patent Owner

Case IPR2014-00138
Patent 6,505,530 B2

Before KARL D. EASTHOM, BENJAMIN D. M. WOOD, and PHILIP J.
HOFFMANN, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. §§ 42.72, 42.74

On May 6, 2014, the parties filed a joint motion to terminate this proceeding, along with a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 11 (attaching Ex. 1023, written settlement agreement). The parties also request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 11.

The joint motion to terminate states that the parties jointly request termination of this proceeding and that termination is proper because the trial is at an early stage. *See id.* The Board recently instituted trial on April 22, 2014. Paper 8. The motion also indicates that the parties entered a stipulated dismissal signed by the trial judge in related district court litigation involving the '530 Patent and a related patent. *See id.*; *see also* Paper 8, 2–3 (discussing related district court litigation). At this early stage of the proceeding, the Board does not have before it full briefing on the trial issues, and the Board has not entered a final decision.

Based on the facts of this case, it is appropriate to enter judgment without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72 (termination), 42.73 (judgment generally), 42.74 (settlement). A judgment “means a final written decision by the Board, or a termination of a proceeding.” 37 C.F.R. § 42.2.

It is

ORDERED that the joint motion to terminate IPR2014-00138 is *granted*;

FURTHER ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that the parties' joint request that the settlement and

agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

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