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IPR2014-01120	Paper 12
IPR2014-01333	Paper 12
IPR2014-00448	Paper 25
IPR2014-00710	Paper 26

Entered: February 10, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIPS ELECTRONICS NORTH AMERICA CORP. and
KONINKLIJKE PHILIPS N.V.,
Petitioners,

v.

ILUMISYS, INC.,
Patent Owner.

Case IPR2014-01120	Patent 8,382,327 B2
Case IPR2014-01333	Patent 7,049,761 B2
Case IPR2014-00448	Patent 8,093,823 B1
Case IPR2014-00710	Patent 7,510,299 C3

Before HOWARD B. BLANKENSHIP, BRYAN F. MOORE, and
BARBARA A. BENOIT *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION
Motion to Terminate
37 C.F.R. § 42.72

IPR2014-01120 Patent 8,382,327 B2
IPR2014-01333 Patent 7,049,761 B2
IPR2014-00448 Patent 8,093,823 B1
IPR2014-00710 Patent 7,510,299 C3

INTRODUCTION

During a call on January 20, 2015, the Board authorized the parties to file motions to terminate the instant proceedings, as well as authorized the parties to file joint requests that the settlement agreements be treated as business confidential information. On January 22, the parties filed a joint motion to terminate the instant proceeding (Paper 10),¹ along with, what they describe as a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding (Ex. 2001). The parties also filed a joint request to treat the settlement agreement as business confidential information. Paper 11. For the reasons set forth below, the motions and requests are granted.

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” *See* 37 C.F.R. § 42.72. The parties are reminded that the Board is not a party to the settlement, and may independently identify any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77

¹ For expediency, IPR2014-01120 is representative and all subsequent citations are to IPR2014-01120 unless otherwise noted.

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Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

The parties' joint motions state that they settled their dispute and move to terminate these proceedings, pursuant to 35 U.S.C. § 317(a). Paper 10, 2–3. The parties filed what they describe as a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding. Ex. 2001. The motion indicates that the parties also reached an agreement to dismiss the related district court case between the parties. Paper 10, 3. In these proceedings, the parties' joint motions to terminate were filed prior to the oral arguments and the Board has not made a final decision on the merits in any of the four cases. Under these circumstances, we determine that it is appropriate to terminate these four proceedings with respect to all parties.

CONCLUSION

It is:

ORDERED that the joint motions to terminate these proceedings are GRANTED, and these proceedings are, hereby, terminated; and

FURTHER ORDERED that the parties' joint requests that the settlement agreements be treated as business confidential information and kept separate from the file of the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED.

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