

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZETEC, INC.,
Petitioner,

v.

WESTINGHOUSE ELECTRIC CO.,
Patent Owner.

Case IPR2015-00280
Patent 6,823,269 B2

Before KEVIN F. TURNER, BARBARA A. BENOIT, and
NEIL T. POWELL, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

ORDER AUTHORIZING FILING OF MOTION TO TERMINATE
Conduct of the Proceeding
37 C.F.R. § 42.5

During a telephone conference on February 26, 2015, the parties advised the Board that a settlement agreement had been reached in the instant *inter partes* review of Patent No. 6,823,269 B2 (the subject patent). The parties may agree to settle any issue in a proceeding pursuant to a written agreement. 35 U.S.C. § 317(a); 37 C.F.R. § 42.74(a). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination of an *inter partes* review shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of such review as between the parties. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(b).

The parties are authorized to file a joint motion to terminate this proceeding. This matter is in the preliminary stage. A Patent Owner Preliminary Response has not been filed and a decision whether to institute a trial has not been rendered. The parties have identified co-pending litigation, which they represent they have settled. The parties have identified no other related matters. Under these circumstances, it may be appropriate to enter judgment and terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

The joint motion to terminate must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patent.

A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement. *Id.* With respect to having the settlement agreement treated as business confidential information under 37 C.F.R. § 42.74(c), the parties must file the confidential settlement agreement electronically in the Patent Review

Processing System (“PRPS”) as an exhibit in accordance with the instructions provided on the Board’s website (uploading as “Parties and Board Only”). The parties are directed to FAQ G2 on the Board’s website at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential.

It is ORDERED that the parties are authorized to file a joint motion to terminate the proceeding and a joint request that the settlement agreement be treated as business confidential information.

IPR2015-00280
Patent 6,823,269 B2

PETITIONER:

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