

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL
BOARD

HONEYWELL INTERNATIONAL INC.,
Petitioner
v.

CREE, INC.,
Patent Owner.

Case IPR2015-01361
Patent 8,860,058 B2

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R § 42.72**

Pursuant to 35 U.S.C. § 317(a), Petitioner Honeywell International Inc. (“Petitioner”) and Patent Owner Cree, Inc. (“Patent Owner”) (collectively, “Parties”) jointly and respectfully request termination of IPR2015-01361, which challenges U.S. Patent No. 8,860,058, pursuant to the Parties’ settlement countersigned on October 16, 2015. The Board authorized this motion on October 20, 2015.¹

In this proceeding, Petitioner filed a Petition on June 8, 2015, and Patent Owner filed a Preliminary Response to the Petition on September 17, 2015. The Board has not yet issued a decision on whether to institute. This proceeding has not resulted in a final decision on the merits. The Parties have settled their dispute and have reached agreement to terminate this *inter partes* review and co-pending *inter partes* reviews Case Nos. IPR2015-01360 and IPR2015-01378. Accordingly, the Parties file this Motion.

A Confidential Settlement Agreement, a true copy of which is being filed concurrently herewith as Exhibit 1017, sets forth the Parties’ complete agreement to terminate this proceeding, and agreements to settle other claims. *See* 35 U.S.C. § 317(b). The Parties desire that the Confidential Settlement Agreement be treated

¹ The Board also authorized the parties to file a joint motion to terminate co-pending *inter partes* reviews Case Nos. IPR2015-01360 and IPR2015-01378.

as business confidential information and kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Parties file a concurrent Joint Request to that effect.

A proceeding shall be terminated with respect to the Petitioner unless the Board has already decided the merits. 35 U.S.C. § 317(a). Here, no decision on the merits has issued, and the Board can terminate this proceeding. Such termination is appropriate. 37 C.F.R. § 42.72. In accord with 35 U.S.C. § 317(a), no estoppel under Section 315(e) shall attach to Petitioner or its privies. Furthermore, no estoppel under 37 C.F.R. § 42.73(d)(3) shall attach to the Patent Owner.

For the foregoing reasons, the Parties respectfully request termination of these proceedings.

Respectfully submitted,

Date: October 22, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on this 22st day of October, 2015, true and correct copy
of each of the foregoing materials:

- **JOINT MOTION TO TERMINATE PROCEEDING**

was served, via electronic mail, upon the following counsel for Cree, Inc.:

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