

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PEROXYCHEM LLC,
Petitioner,

v.

INNOVATIVE ENVIRONMENTAL TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2016-00241
Patent 7,531,709 B2

Before ZHENYU YANG, CHRISTOPHER M. KAISER, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER
Termination of the Proceedings
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On October 13, 2016, the parties filed a Joint Motion to Terminate this proceeding pursuant to 35 U.S.C. § 317(a). Paper 16. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed a true and correct copy of a License and Settlement Agreement, Ex. 1027, along with a Joint Request to File Settlement Agreement as Business Confidential Information, to be kept separate from the publicly available patent files. Paper 17.

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.” In this case, the Board instituted trial on May 5, 2016. Paper 10. So far, Patent Owner has not filed its Patent Owner Response, and the Board has not decided the merits of the proceeding.

Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. [§] 317(a).” After reviewing the Joint Motion to Terminate and the Settlement Agreement, we determine that it is appropriate to terminate the proceeding without rendering a final written decision. Therefore, the Joint Motion to Terminate is GRANTED.

Accordingly, it is

ORDERED that the Joint Motion to Terminate is GRANTED and this proceeding is hereby TERMINATED; and

FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information is GRANTED, and the License and Settlement Agreement will be kept separate from the patent files.

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