

Paper No.____
Filed: January 11, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE HILLMAN GROUP, INC.,
Petitioner

v.

HY-KO PRODUCTS COMPANY LLC,
Patent Owner

Case IPR2023-00076
Patent No. 11,227,455

JOINT MOTION TO TERMINATE PROCEEDING

Petitioner The Hillman Group, Inc., and Patent Owner Hy-Ko Products Company LLC, have entered into a settlement agreement that resolves all underlying disputes between the parties, including this *inter partes* review proceeding IPR2023-00076, against U.S. Patent No. 11,227,455 (the “455 patent”), currently before the Board.

In an email dated January 4, 2023, the Board authorized the parties to file a joint motion to terminate and a joint request to treat the settlement agreement as business confidential information. In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the settlement agreement between the parties is being submitted concurrently herewith in this proceeding as Ex. 1008. There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.

Petitioner and Patent Owner jointly request that the Board terminate this proceeding in its entirety. The Board has not issued an institution decision in this proceeding. Termination is appropriate at this early stage in view of the settlement agreement. *See* Patent Office Trial Practice Guide, 77 Fed. Reg. 48,768 (Aug. 14, 2012) (“The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.”). The agreement ends all patent disputes between the parties, including this IPR proceeding.

No other petitioners remain in this *inter partes* review, and no institution decision or final written decision on the merits has been entered. Except for the instant proceeding, there are no other proceedings currently before the Board challenging the '455 patent. For at least these reasons, termination of the *inter partes* review is proper under 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74(a).

Respectfully submitted,

Dated: January 11, 2023

By: /Joshua L. Goldberg/
Joshua L. Goldberg, Reg. No. 59,369
Counsel for Petitioner

By: /David B. Cupar/
David B. Cupar, Reg. No. 47,510
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Joint Motion to Terminate Proceeding** was served on January 11, 2023, via email directed to counsel of record for Patent Owner at the following:

David B. Cupar
dcupar@mcdonaldhopkins.com

Matthew J. Cavanagh
mcavanagh@mcdonaldhopkins.com

Todd A. Benni
tbenni@mcdonaldhopkins.com

Dated: January 11, 2023

By: /Lisa C. Hines/
Lisa C. Hines
Senior Litigation Legal Assistant
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP