

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION
Petitioner

v.

AMERICAN VEHICULAR SCIENCES LLC
Patent Owner

IPR2013-00413
Patent 6,738,697

Before JAMESON LEE, BARBARA A. PARVIS, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On March 21, 2014, a telephone conference call was held between respective counsel for the parties and Judges Lee, Parvis, and Anderson. The parties sought authorization to file a joint motion to terminate this proceeding with respect to both Petitioner and Patent Owner, on the basis that they have settled.

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Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and that a true copy of the agreement shall be filed with the Board prior to termination. 37 C.F.R. § 42.74(b).

The joint motion must include a brief explanation as to why termination is appropriate. Information should be provided on the status of related district court actions in which Patent 6,738,697 has been asserted, particularly regarding the status of all defendants.

The joint motion to terminate must be accompanied by **a true copy** of the settlement agreement as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement.

With regard to having the settlement agreement treated as business confidential information and kept separate from the patent file(s) under 37 C.F.R. § 42.74(c), the parties must file the confidential settlement agreement electronically via the Patent Review Processing System (PRPS) in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"). Attention of the parties is also directed to FAQ G2 on the Board's website page at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file a settlement agreement as confidential.

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The Patent Owner Response has not yet been filed in this case. The parties can expect a decision on their joint motion to terminate proceeding within ten days of the date of filing of such a motion.

Accordingly, it is

ORDERED that the parties are authorized to file a joint motion to terminate proceeding with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the joint motion must be accompanied by a true copy, labeled as an exhibit, of the settlement agreement as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b);

FURTHER ORDERED that in the joint motion the parties may request that the settlement agreement be treated as business confidential information and kept separate from the underlying patent file, as provided in 37 C.F.R. § 42.74(c);

FURTHER ORDERED that any confidential settlement agreement must be filed electronically via PRPS in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"); and

FURTHER ORDERED that the parties are authorized to stipulate to different Due Dates 4-6 of the Scheduling Order dated January 13, 2014 (Paper 17), so long as the revised due dates do not extend beyond Due Date 7.

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For Petitioner:

For Petitioner:

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