

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICRO MOTION, INC.,  
Petitioner,

v.

INVENSYS SYSTEMS, INC.,  
Patent Owner.

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IPR2014-00167 (Patent 7,505,854 B2)  
IPR2014-00170 (Patent 6,311,136 B1)  
IPR2014-00178 (Patent 7,136,761 B2)  
IPR2014-00179 (Patent 7,124,646 B2)  
IPR2014-00390 (Patent 6,754,594 B2)  
IPR2014-00392 (Patent 8,000,906 B2)  
IPR2014-00393 (Patent 7,571,062 B2)<sup>1</sup>

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Before WILLIAM V. SAINDON, MICHAEL R. ZECHER, and  
JENNIFER M. MEYER, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceedings  
*37 C.F.R. § 42.5*

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<sup>1</sup> This Order addresses an issue that is identical in all seven cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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## I. DISCUSSION

A conference call for the proceedings identified above was held on March 11, 2015, between respective counsel for the Petitioner and Patent Owner, and Judges Saindon, Zecher, and Meyer. The parties initiated the conference call to seek authorization to file a Joint Motion to Terminate in each of the proceedings identified above.

During the conference call, the parties indicated that they have settled their dispute regarding the patents at issue. In light of the settlement reached, the parties requested to cancel the oral argument for Cases IPR2014-00390, IPR2014-00392, and IPR2014-00393 scheduled on Thursday, March 12, 2015.

Generally, we expect that a proceeding will terminate after the filing of a settlement agreement. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The regulatory provision governing settlement indicates that any agreement between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and filed with the Board. 37 C.F.R. § 42.74. Based on the facts before us, we authorize the parties to file a Joint Motion to Terminate in each of the proceedings identified above.

According to 35 U.S.C. § 317(a), an *inter partes* review 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

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proceeding before the request for termination is filed. Nevertheless, even if no petitioner remains in an *inter partes* review, we have the discretion to proceed to a Final Decision.

As movants, the parties have the burden to show entitlement to the relief requested. 37 C.F.R. § 42.20(c). Each Joint Motion to Terminate must include a sufficient explanation as to why termination is appropriate at such a late stage in the proceeding.

The parties also are required to file a true copy of the parties' settlement agreement, in accordance with 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.

The parties may request that each settlement agreement be treated as business confidential information under 37 C.F.R. § 42.74(c). Such a request must be filed, as a separate paper, with the settlement agreement. The parties are directed to Frequent Asked Question G2 on the Board's website at <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/trials/patent-review-processing-system-prps-0#heading-12> for instructions on how to file their settlement agreement as business confidential information (e.g., uploading as "Parties and Board Only").

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## II. ORDER

Accordingly, it is:

ORDERED that the parties are authorized to file a Joint Motion to Terminate in each of the proceedings identified above no later than March 24, 2015;

FURTHER ORDERED that the parties are required to file a true copy of the parties' settlement agreement in connection with the termination of the proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b);

FURTHER ORDERED that the parties may file a separate paper requesting that each settlement agreement be treated as business confidential information as specified in 37 C.F.R. § 42.74(c);

FURTHER ORDERED that any confidential settlement agreement must be filed, as an exhibit, electronically in the Patent Review Processing System in accordance with the instructions provided on the Board's website (e.g., uploading as "Parties and Board Only"); and

FURTHER ORDERED that the oral argument for Cases IPR2014-00390, IPR2014-00392, and IPR2014-00393 scheduled for Thursday, March 12, 2015, is cancelled.

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