

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FINISAR CORP.,
Petitioner,

v.

THOMAS SWAN & CO. LTD.,
Patent Owner.

IPR2014-00461
Patent 7,664,395 B2

Before SALLY C. MEDLEY, MICHELLE R. OSINSKI, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On October 29, 2014, the parties filed a joint motion to terminate this proceeding, along with a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 16; Ex. 2009. The parties also

filed a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 16.

The joint motion to terminate indicates that the settlement agreement requires the parties to terminate all disputes, including related matters and litigation involving U.S. Patent No. 7,664,395. *Id.* at 2–4.

The Board instituted trial on August 21, 2014. Paper 9. At this juncture of the proceeding, the Board does not have before it full briefing on the trial issues and the Board has not entered a final decision.

Based on the facts of this case, it is appropriate to enter judgment¹ without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

It is

ORDERED that the joint motion to terminate IPR2014-00461 is *granted*;

FURTHER ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

¹ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

IPR2014-00461
Patent 7,664,395 B2

For PETITIONER:

David Radulescu
Gregory Maskel
RADULESCU LLP
david@radulescullp.com
greg@radulescullp.com

Kurt Rauschenbach
RAUSCHENBACH PATENT LAW GROUP
kurt@rauschenbach.com

For PATENT OWNER:

Marc M. Wefers
W. Karl Renner
FISH & RICHARDSON P.C.
wefers@fr.com
IPR28733-002IP1@fr.com