

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EURAMAX INTERNATIONAL, INC.,
Petitioner,

v.

INVISAFLOW, LLC,
Patent Owner.

Case IPR2016-00423
Patent 8,556,195 B1

Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

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

Petitioner filed a petition for *inter partes* review of U.S. Patent No. 8,556,195 B1 and Patent Owner filed a preliminary response. Papers 1, 7. On June 1, 2016, we instituted trial. Paper 9.

On June 3, 2016, the parties informed the Board that the parties have reached a settlement agreement. The parties seek authorization from the Board to file a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317(a), and to treat the parties' written settlement agreement as business confidential information.

An *inter partes* review has been instituted in this case. The Board does not have before it full briefing on the issues raised during the trial. Moreover, the Board has not entered a final written decision. 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). The rule 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 of this proceeding, the parties are authorized to file a joint motion to terminate the proceeding, briefly explaining why termination is appropriate. The joint motion should update the Board as to the status of any other matters involving the patent at issue. The parties also must file, as an exhibit, a true copy of their settlement agreement to terminate the proceeding. A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement. Any request that the agreement be treated as business confidential information and be kept separate from the files of the involved patent must be filed with the

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settlement agreement. 37 C.F.R. § 42.74(c). The parties are directed to FAQ G2 on the Board's website at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential (e.g., uploading as "Parties and Board Only").

The joint motion to terminate and the settlement agreement shall be filed no later than June 17, 2016.

Accordingly, it is:

ORDERED that the parties are authorized to file a joint motion to terminate the proceeding;

FURTHER ORDERED that the joint motion is due no later than June 17, 2016;

FURTHER ORDERED that the joint motion shall be accompanied by a true copy of the settlement agreement as required by 37 C.F.R. § 42.74(b);

FURTHER ORDERED that the parties may request that the settlement agreement be treated as business confidential information as specified by 37 C.F.R. § 42.74(c);

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

FURTHER ORDERED that the remaining DUE DATES in the proceeding are *vacated*.

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