

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

HARVEST TRADING GROUP, INC.

Petitioner,

v.

VIREO SYSTEMS, INC. and
UNEMED CORPORATION

Patent Owner.

Case IPR2016-00947

Patent 8,962,685

**JOINT MOTION TO TERMINATE PROCEEDING
UNDER 35 U.S.C. § 317(a)**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450 Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. §§ 42.72 and 42.74, and the Board’s authorizing email of September 8, 2016, Petitioner Harvest Trading Group, Inc. (“Petitioner”) and Patent Co-Owner Vireo Systems, Inc. jointly request termination of Inter Partes Review proceeding IPR2016-00947, relating to U.S. Patent No. 8,962,685 (“the ‘685 Patent”).

The parties have settled their dispute and executed an Asset Purchase Agreement and Settlement Agreement to terminate this proceeding as well as take the necessary steps to dismiss with prejudice the parties’ related litigations in (1) *UNeMed Corp. et al. v. Promera Health, LLC et al.*, 8:15-cv-00135 (D. Neb.); (2) *Promera Health, LLC.v. Vireo Sys., Inc. et al.*, 8:16-cv-00008 (D. Neb.); (3) *Vireo Sys., Inc. v. HTG Ventures, LLC, et al.*, No. 3:14-cv-02359 (M.D. Tenn.) (*Appealed 6th Cir. Ct. Ap., Case No. 16-5232*); (4) *Vireo Sys., Inc. v. ProMera Health, LLC*, No. 15-156-I (Davidson County, Tenn. Chancery Ct.); (5) *Vireo Sys., Inc. et al. v. HTG Ventures, LLC et al.*, No. SUCV2015-01875BLS2 (Suffolk County, Mass. Superior Ct.); (6) *ProMera Health, LLC v. Vireo Sys., Inc.*, No. 15-12888-NMG (D. Mass); and (7) IPR 2016-00945 (PTAB).

The parties’ Asset Purchase Agreement and Settlement Agreement was executed in writing on August 30, 2016, and a complete, true and correct copy is

being filed concurrently herewith as Exhibit 2023 in accordance with 37 C.F.R. § 42.74(b).

Pursuant to the Board's authorizing e-mail dated September 8, 2016, the parties jointly request that the Asset Purchase Agreement and Settlement Agreement be treated as business confidential information and be kept separate from the files of the IPR and the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Petitioner filed its Petition for *Inter Partes Review* of the '685 Patent on April 22, 2016. Patent Co-Owner filed a preliminary response on August 3, 2016. The Board has not ruled on whether to institute *inter partes* review.

Termination of this proceeding is proper under 35 U.S.C. § 317(a) because the Board has not yet decided the merits of the proceeding. Further, the parties are unaware of any other matter before the USPTO that would be affected by the outcome of this proceeding, and all related litigation has been settled. Termination of a proceeding at such an early stage is appropriate because doing so promotes judicial economy and furthers the policy of the Board. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). Accordingly, the Parties respectfully request termination of this proceeding.

The Patent Trial and Appeal Board is hereby authorized to charge any fees associated with the filing to Deposit Account 504293.

Respectfully submitted,

/Raymond A. Miller/

Raymond A. Miller

Reg. No. 42,891

Curtis Wadsworth, J.D., Ph.D.

Reg. No. 57,475

PEPPER HAMILTON LLP

500 Grant St., Suite 5000

Pittsburgh, PA 15212

Telephone: (412) 454-5000

Facsimile: (412) 281-0717

millerra@pepperlaw.com

wadsworthc@pepperlaw.com

Counsel for Petitioner

/Stephen H. Hall/

Stephen H. Hall, Reg. No. 44,734

Jacob W. Neu, Reg. No. 67,546

BRADLEY ARANT

BOULT CUMMINGS, LLP

200 Clinton Avenue West, Suite 900

Huntsville, AL 35801-4900

Telephone: (256) 517-5140

Facsimile: (256) 517-5240

shall@bradley.com

jneu@bradley.com

Counsel for Patent Co-Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I, Stephen H. Hall, certify that on this 8th day of September, 2016, a copy of this

JOINT MOTION TO TERMINATE PROCEEDING UNDER 35 U.S.C. § 317(a)

was filed with the Patent Trial and Appeal Board via PRPS and served upon the following counsel via e-mail pursuant to Petitioner's consent to e-mail service:

Raymond A. Miller	millerra@pepperlaw.com
Curtis Wadsworth, J.D., Ph.D.	wadsworthc@pepperlaw.com
David Magee	mageed@pepperlaw.com

/Stephen H. Hall/
Stephen H. Hall, Reg. No. 44,734
Jacob W. Neu, Reg. No. 67,546

**BRADLEY ARANT
BOULT CUMMINGS, LLP**
200 Clinton Avenue West, Suite 900
Huntsville, AL 35801-4900
Telephone: (256) 517-5140
Facsimile: (256) 517-5240
shall@bradley.com
jneu@bradley.com