

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANTA'S BEST,
Petitioner,

v.

VARIABLE LIGHTING LLC,
Patent Owner.

Case IPR2016-01066
Patent 6,285,140 B1

Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate

35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

Pursuant to our authorization, on April 13, 2017, the parties filed a joint Motion to Terminate this proceeding. Paper 22. The parties represent that termination is appropriate because Patent Owner has granted Petitioner an irrevocable settlement agreement and full release from any liability with

respect to U.S. Patent No. 6,285,140 and the parties have resolved all related district court suits. *Id.* at 1, 3. Along with the motion, the parties filed a copy of a document they represent is a “true copy of the Agreement” between the parties as Exhibit 1013, and a joint Request to Keep Papers Separate, in which the parties request Exhibit 1013 be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 23.

“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a). This trial was instituted on October 21, 2016, and is still in the preliminary stages. Under the circumstances, we determine that it is appropriate to terminate this proceeding with respect to all parties without rendering a final written decision. We further determine the Request to Keep Papers Separate was timely filed with the settlement agreement as required by 37 C.F.R. § 42.74(c), and, therefore, grant the request to treat the agreement as business confidential information.

It is

ORDERED that the joint Motion to Terminate the captioned proceeding is *granted*; and

FURTHER ORDERED that the joint request that the settlement agreement (Ex. 1013) be treated as business confidential information pursuant to § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

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Patent 6,285,140 B1

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