

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANTA'S BEST AND POLYGROUP LIMITED (MCO),  
Petitioner,

v.

VARIABLE LIGHTING LLC,  
Patent Owner.

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Case IPR2016-01066  
Patent 6,285,140 B1

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

HAAPALA, *Administrative Patent Judge*.

DECISION

*Joint Motion to Terminate*  
*37 C.F.R. § 42.74*

On August 17, 2016, Patent Owner Variable Lighting, LLC and  
Petitioners Polygroup Limited (MCO) ("Polygroup") and Santa's Best filed a  
joint motion to terminate this proceeding only with respect to Polygroup  
pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74. Paper No. 7. The

parties represent that termination with respect to Polygroup is appropriate because the dispute between Polygroup and Patent Owner has been resolved, and Polygroup and Patent Owner have agreed to terminate Polygroup as a party. *Id.* at 1. Santa's Best does not oppose termination with respect to Polygroup. With the motion, Polygroup and Patent Owner filed a copy of a document they represent is a "true copy of their Settlement and Patent License Agreement" as Exhibit 1012. *Id.* The parties further request that the agreement (Ex. 1012) be treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and concurrently filed a Motion to Seal. Papers 7, 8.

This proceeding is in an early stage and no decision whether to institute *inter partes* review has been made. Under these circumstances, we determine that it is appropriate to terminate this proceeding as to Polygroup. The proceeding is not terminated with respect to Santa's Best. We further determine the request to keep the agreement separate was timely filed, and, therefore, grant the motion to seal.

It is

ORDERED that the joint Motion to Terminate the captioned proceeding with respect to Polygroup Limited (MCO) is GRANTED;

FURTHER ORDERED that the joint request that the settlement agreement (Ex. 1012) be treated as business confidential information, be kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED;

FURTHER ORDERED that this proceeding will continue with Santa's Best as named Petitioner.

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