

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HONEYWELL INTERNATIONAL, INC.,
Petitioner,

v.

ALLURE ENERGY, INC.,
Patent Owner.

Case IPR2016-01605
Patent 8,498,749 B2

Before BART A. GERSTENBLITH, KEVIN W. CHERRY, and
SCOTT C. MOORE *Administrative Patent Judges.*

CHERRY, *Administrative Patent Judge.*

DECISION

Termination of Trial and Settlement
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

By an email dated April 25, 2017, we authorized Patent Owner Allure Energy, Inc. and Petitioner Honeywell International, Inc. (collectively, “the Parties”) to file a joint motion to terminate the instant proceeding accompanied by true copies of all their agreements in contemplation of termination and a joint request to treat the filed copies of those agreements as business confidential information under 37 C.F.R. § 42.74(c).

On May 4, 2017, the Parties filed a Joint Motion to Terminate Proceeding Under 35 U.S.C. § 317 (Paper 9, 1–4), a copy of a written Settlement Agreement (Paper 10), and a Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 9, 5–6).

The Parties indicate that they have settled their underlying dispute and have agreed to terminate this proceeding pursuant to the Settlement Agreement, a true and correct copy of which they have filed with their Motion. Paper 9, 1–2. The Parties further indicate that there are no other proceedings concerning the subject patent; that the Settlement Agreement was duly executed by the Parties on April 13, 2017; that the Settlement Agreement is the entire and complete settlement agreement between the Parties; and that, beyond the Settlement Agreement, there are no other agreements relating to this proceeding. *Id.* at 1.

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). Although trial has been instituted, we have not decided the merits of the proceeding. *See* 35 U.S.C. § 317(a) (“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.”); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate . . .”). We are persuaded that, under these circumstances, termination of this proceeding is appropriate.

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Parties’ Joint Motion to Terminate Proceeding Under 35 U.S.C. § 317 (Paper 9, 1–4) is *granted*;

FURTHER ORDERED that the Parties’ Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 9, 5–6) is *granted*;

FURTHER ORDERED that the Settlement Agreement (Paper 10) shall be kept separate from the file of the above-referenced patent, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that this trial is *terminated*.

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