

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LOWE'S COMPANIES, INC. LOWE'S HOME CENTERS, LLC and
L G SOURCING, INC.,
Petitioners

v.

NICHIA CORPORATION,
Patent Owner

Case IPR2018-00066
Patent 7,915,631 B2

Before BRIAN J. McNAMARA, STACEY G. WHITE, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

ORDER AUTHORIZING FILING OF MOTION TO TERMINATE
Conduct of the Proceeding
37 C.F.R. § 42.5

In e-mail correspondence on June 13, 2018, the parties advised the Board that a confidential settlement agreement had been reached in the above identified *inter partes* review. The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which shall be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)-(b). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of the termination shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of such proceeding as between the parties. 35 U.S.C. § 317(b). Any such agreement should be filed as a separate exhibit.

This matter is in its preliminary stages with a Decision to Institute having been entered on April 25, 2018 and Patent Owner having not yet filed a response to the Petition. Under these circumstances, it may be appropriate to enter judgment and terminate the proceeding without rendering a final written decision. 37 C.F.R. § 42.72

The parties are authorized to file a Joint Motion to Terminate this proceeding. The Joint Motion to Terminate must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patent, and advise the Board whether any litigation or proceeding involving the subject patent is contemplated in the foreseeable future.

The Joint Motion to Terminate also must include a copy of any agreement including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of the

termination of the proceeding or include a statement certifying that there are no such collateral agreements or understandings. A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement. *Id.*

It is **ORDERED** that the parties are authorized to file a Joint Motion to Terminate the proceeding and a Joint Request That The Settlement Agreement Be Treated As Business Confidential Information.

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