

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*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.72

On July 12, 2018, the parties filed a Corrected Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317. Paper 13. The parties also filed a Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 11) along with a copy of a written settlement agreement (Ex. 2020).

This proceeding is in its preliminary stages with the Board instituting trial on April 25, 2018 and Patent Owner having not yet filed a response to the Petition. The parties represent that “a true copy” of the parties’ settlement agreement (Ex. 2020) has been filed with the Board. Paper 13, 2. The parties also “certify that there are no collateral agreements to the confidential settlement agreement (EX2020) or understandings made in connection with, or in contemplation of, the termination of these proceedings.” Paper 13, 5. Under these circumstances, the Board determines that it is appropriate to terminate the proceeding without rendering a final written decision. 37 C.F.R. § 42.72. The Board also determines that it is appropriate to treat the settlement agreement as business confidential information to be kept separate from the patent file. *See* 37 C.F.R. § 42.74(c).

It is, therefore,

ORDERED that the Corrected Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 is GRANTED and the subject proceeding is hereby terminated;

FURTHER ORDERED that the parties’ Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317, which shall be kept separate from the file of the involved

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patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c),
is GRANTED.

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