

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NEST LABS, INC.,  
Petitioner,

v.

ALLURE ENERGY, INC.,  
Patent Owner.

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Case IPR2015-00181  
Patent 8,571,518 B2

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Before BART A. GERSTENBLITH, CHRISTOPHER L. CRUMBLEY, and  
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding  
*37 C.F.R. § 42.73*

On August 14, 2015, and pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the parties filed a joint motion to terminate this proceeding. Paper 19. As part of the joint motion to terminate, the parties further request to have their settlement agreement treated as confidential business

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information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).<sup>1</sup> *Id.* at 1.<sup>2</sup> In the joint motion, the parties represent that the settlement agreement filed is a true copy and resolves all disputes between the parties. *Id.*

This *inter partes* review was instituted on May 1, 2015. At this juncture of the proceeding, the Board does not have before it full briefing on the trial issues; oral argument has not been held; and the Board has not entered a final decision. Based on the facts of this case, it is appropriate to enter judgment.<sup>3</sup> Therefore, the joint motion to terminate the proceeding is *granted*.

Accordingly, it is

ORDERED that the parties' joint request that the settlement agreement (Exhibits 1013 and 1014) be treated as business confidential information, to be kept separate from the patent file is *granted*;

FURTHER ORDERED that the settlement agreement (Exhibits 1013 and 1014) shall be made available only pursuant to the provisions of 37 C.F.R. § 42.74(c);

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<sup>1</sup> The parties filed two copies of the settlement agreement (Exs. 1013 and 1014). Exhibit 1013 is unredacted and Exhibit 1014 has certain limited information redacted. On a call with the parties held on August 13, 2015, the parties represented that both Exhibits 1013 and 1014 have confidential business information that they wished to be treated as such under 37 C.F.R. § 42.74(c). The parties wished to provide the redacted copy in order to provide additional protection against disclosure of certain extremely sensitive information in the unredacted copy.

<sup>2</sup> The parties' Joint Request was filed as the same paper as their Motion (Paper 20), but with restarted page numbers. Accordingly, the Joint Request is pages 5–7 of Paper 20.

<sup>3</sup> A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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FURTHER ORDERED that the joint motion to terminate the proceeding is *granted*; and

FURTHER ORDERED that the proceeding is *terminated*.

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