

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SENSUS USA, INC.,
Petitioner,

v.

CERTIFIED MEASUREMENT, LLC,
Patent Owner.

Case IPR2015-01262 (Patent 5,828,751)
Case IPR2015-01454 (Patent 8,549,310 B2)¹

Before PHILLIP J. KAUFFMAN, BART A. GERSTENBLITH, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

DECISION

Joint Motions to Terminate Proceedings and
to File Settlement Agreement as Business Confidential Information
35 U.S.C. § 317, 37 C.F.R. § 42.74

¹ The parties are not authorized to use this style of filing in subsequent papers without prior authorization.

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Pursuant to our authorization, the parties filed Joint Motions to Terminate each of the captioned proceedings on January 5, 2016. Paper 22.² For each proceeding, the parties represent that the “Parties have resolved their disputes and executed a settlement agreement to request termination of this proceeding and dismissal of the Parties’ related proceeding regarding the [subject] patent[s]: *Sensus USA, Inc. v. Certified Measurement, LLC*, No. 3:14-cv-1069 (D. Conn.)” *Id.* at 3. With each of their Motions to Terminate, the parties filed what they represent is a “true and correct copy” of the parties’ written settlement agreement as Exhibit 2003.³ *Id.* at 6. The parties additionally represent that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of these proceedings.” *Id.* In concurrently filed Motions to File Settlement Agreement as Business Confidential Information, the parties request that the agreement be treated as business confidential information and be kept separate from the file of the respectively involved patents. Paper 23.

“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.” 35 U.S.C. § 317(a). The Office has not yet decided the merits of the proceeding, which remains at an early stage. We determine that good cause exists to terminate

² Citations are to IPR2015-01262.

³ Exhibit 2002 in IPR2015-01264.

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each proceeding with respect to all parties without rendering a final written decision.

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 317(b). After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).

It is

ORDERED that the joint Motions to Terminate are *granted*;

FURTHER ORDERED that these proceeding are hereby terminated as to both Petitioner and Patent Owner;

FURTHER ORDERED that the joint Motions to File Settlement Agreement as Business Confidential Information are *granted*; and

FURTHER ORDERED that the filed settlement agreement (Ex. 2003 in IPR2015-01262; Ex. 2002 in IPR2015-01454) be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and also remain designated as "Parties and Board Only" in PRPS.

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