

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HEARTLAND TANNING, INC.  
Petitioner

v.

SUNLESS, INC.  
Patent Owner

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Case IPR2014-00018  
Patent 8,201,288 B2

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Before FRANCISCO C. PRATS, RAMA G. ELLURU, and JAMES A. TARTAL,  
*Administrative Patent Judges.*

ELLURU, *Administrative Patent Judge.*

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

The parties have requested that this trial proceeding be terminated pursuant to a settlement. On July 28, 2014, we authorized the parties to file a joint request to terminate and to file the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). Paper 26. On August 4, 2014, the parties filed a joint motion to terminate, as well as a joint motion requesting that the joint settlement agreement be treated as business confidential information and sealed. Papers 27 and 28; *see also* 35 U.S.C. § 317; 37 C.F.R. § 42.72. With their motion to terminate and seal, the parties also filed a copy of a written settlement agreement. Ex. 1025.

A decision by the Board to institute a trial was entered on March 13, 2014. Paper 15. The briefing and discovery processes have not been completed in this proceeding, and the panel has not yet decided the merits of the proceeding. The parties indicate that their settlement agreement includes their agreement to dismiss their corresponding district court litigation, *Sunless, Inc. v. Heartland Tanning, Inc.*, Civil Action No. 4:13-cv-01066-JTM (W.D. Mo.), and that the district court has entered an order of dismissal with prejudice. Paper 27 at 3. The parties state that there are currently no other proceedings before the Office concerning the '288 patent, nor are there any other proceedings before the Office involving both Heartland and Sunless. *Id.* The parties further state that Sunless and Heartland are the only parties to the district court action referenced above, and that there are no other pending cases between Sunless and Heartland. *Id.* Under these circumstances, we determine that it is appropriate to enter judgment and terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

It is, therefore,

ORDERED that the joint motion to terminate the proceeding is GRANTED and the proceeding is hereby terminated; and

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information and be kept separate from the file of the involved 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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