

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Preciseley Microtechnology Corp.,  
Petitioner

v.

Dicon Fiberoptics, Inc., Patent Owner

U.S. Patent No.: 6,838,738

Filed: February 20, 2002

Issued: January 4, 2005

Inventors: Benedict J. Costello, Peter T. Jones,  
and Ho-Shang Lee

Assignee: Dicon Fiberoptics, Inc.

Title: ELECTROSTATIC CONTROL OF MICROOPTICAL COMPONENTS

*Inter Partes* Review No. IPR2015-01728

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**JOINT MOTION TO TERMINATE PROCEEDINGS**  
**UNDER 35 U.S.C. § 317(a)**

Preciseley v. Dicon  
IPR2015- 1728

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, Petitioner Preciseley Microtechnology Corp. (“Preciseley”) and Patent Owner DiCon Fiberoptics, Inc. (“DiCon”) jointly file this request for termination of this *inter partes* review of U.S. Patent No. 6,838,738.

A petition for *inter partes* review was filed by Preciseley on August 14, 2015. The Board instituted trial in this proceeding on February 11, 2016 (Paper No. 6). The parties have settled their dispute and have agreed in a confidential settlement agreement (“Settlement Agreement”) to terminate this proceeding (Case IPR2015-01728). The related district court litigation styled *DiCon Fiberoptics, Inc. v. Preciseley Microtechnology Corporation*, Civil Action No. 5:15-cv-01362-BLF pending in the U.S. District Court for the Northern District of California, has been finally resolved as set forth in the Settlement Agreement. No other proceedings concerning the subject patent are contemplated by these parties in the foreseeable future. The confidential Settlement Agreement is in writing and was executed by Preciseley and DiCon on February 15, 2016.

The Parties certify that, beyond the Settlement Agreement, there are no other written or oral agreements or understandings, including any collateral agreements, between the Parties, including but not limited to other licenses, covenants not to sue, confidentiality agreements, or other agreements of any kind, that are made in connection with, or in contemplation of, the termination of the IPR proceeding.

In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true and correct copy of the agreed-upon confidential Settlement Agreement is being submitted herewith as Exhibit 1014. The parties file this joint motion to provide the Board with notice of this critical development as early as possible in the interest of efficiency.

Also submitted concurrently herewith is a request by Precisely and Dicon that the Settlement Agreement be treated as business confidential information, be kept separate from the file of the involved patents, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Termination is appropriate to prevent unnecessary expenditure of party resources and to preserve judicial resources such that the Board may focus on other matters. Accordingly, the parties respectfully request termination of this proceeding, and that the instant matter be closed.

The Parties certify that they have conferred on this filing and that it is made jointly.

The Patent Trial and Appeal Board is hereby authorized to charge any fees associated with the filing to Deposit Account 50-0591.

Preciseley v. Dicon  
IPR2015- 1728

Dated: February 17, 2016

Respectfully submitted,

*/s/ Robert P. Lord*

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*Counsel for Petitioner*

Dated: February 17, 2016

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**CERTIFICATE OF SERVICE**

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a) of a copy of this Joint Motion to Terminate Proceedings Under 35 U.S.C. § 317(a) on Patent Owner Dicon Fiberoptics, Inc. via email as follows:

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