

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KATUN CORPORATION,  
Petitioner,

v.

TOSHIBA TEC CORPORATION and  
TOSHIBA AMERICA BUSINESS SOLUTIONS, INC.,  
Patent Owner.

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Case IPR2016-01010  
Patent 9,098,015 B2

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Before STACEY G. WHITE, JENNIFER MEYER CHAGNON, and  
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

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

On February 7, 2017, the parties filed a joint motion to terminate the instant proceeding pursuant to a Settlement and Release Agreement (“Settlement Agreement”). Paper 15. The parties also filed a copy of their Settlement Agreement (Ex. 1026), made in connection with the termination of the instant proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 15, 2. In a concurrently filed paper, the parties jointly request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the involved patent. Paper 16.

The instant proceeding is in an early stage. The Board instituted trial (Paper 10) on November 16, 2016. The parties represent that “[t]here are no other collateral agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding” and that “[t]here are no other pending litigations or proceedings involving the patent at issue in the above-captioned *inter partes* review.” Paper 15, 2. The parties further represent that Exhibit 1026 is “a true copy” of the Settlement Agreement. *Id.* Under these circumstances, we determine that it is appropriate to terminate the instant proceeding under 37 C.F.R. § 42.72, without rendering a final written decision.

Accordingly, it is

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

FURTHER ORDERED that the instant proceeding is hereby *terminated*;

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FURTHER ORDERED that the parties' joint request that the Settlement Agreement (Ex. 1026) be treated as business confidential information and be kept separate from the file of the involved patent is *granted*; and

FURTHER ORDERED that the Settlement Agreement (Ex. 1026) be treated as business confidential information and be kept separate from the file of the involved patent, under 37 C.F.R. § 42.74(c), and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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