

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRADION LASER, INC.,
Petitioner,

v.

NOVANTA CORP.,
Patent Owner.

Case IPR2017-00241 (Patent 6,614,826 B1)
Case IPR2017-00244 (Patent 6,198,759 B1)

Before TREVOR M. JEFFERSON, JENNIFER MEYER CHAGNON,
SHEILA F. McSHANE, *Administrative Patent Judges.*

JEFFERSON, *Administrative Patent Judge.*

DECISION

Granting Joint Motion to Terminate Proceeding
35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.71, 42.74

On March 30, 2017, and pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74, the parties filed joint motions to terminate IPR2017-00241 and IPR2017-00244. Paper 7 (IPR2017-00241); Paper 7 (IPR2017-00244). Along with the joint motions, the parties filed a Confidential Settlement

IPR2017-00241 (Patent 6,614,826 B1)

IPR2017-00244 (Patent 6,198,759 B1)

Agreement (Ex. 1008, “Settlement Agreement”) in each case. The parties represent that pursuant to the Settlement Agreement, Petitioner has agreed to no longer maintain or participate in the *inter partes* review for U.S. Patent Nos. 6,614,826 B1 (“the ’826 patent”) and 6,198,759 B1 (“the ’759 patent”). Paper 7, 1 (IPR2017-00241); Paper 7, 1 (IPR2017-00244). The parties further represent that Exhibit 1008 is a true copy of the Settlement Agreement entered into by the parties and that there are “no collateral agreements or understandings made in connection with, or in contemplation of, the termination of [IPR2017-00241 or IPR2017-00244].” *Id.* The parties further represent that the ’826 patent and the ’759 patent were involved in *Synrad, Inc. v. Iradion Laser, Inc.*, Case 1:12-cv-00650-ML-LDA (D.R.I.), which was dismissed without prejudice on October 26, 2012, and *Novanta Corporation v. Iradion Laser, Inc.*, Case 1:15-cv-01033-SLR-SRF (D. Del.), which was dismissed with prejudice on March 23, 2017. *Id.*

These proceedings are at an early stage as we have not rendered decisions regarding institution of *inter partes* review. In view of the early stage of these proceedings, and the dismissal and settlement of the dispute between the parties regarding the ’826 patent and the ’759 patent, we determine that it is appropriate to dismiss the petitions in the instant proceedings. *See* 37 C.F.R. § 42.71(a). Therefore, the joint motions to terminate the proceedings in IPR2017-00241 and IPR2017-00244 are granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

The parties also filed in each case a joint request that the settlement agreement, Ex. 1008, be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8, 1

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(IPR2017-00241); Paper 8, 1 (IPR2017-00244). We grant the parties' request.

ORDER

Accordingly, it is:

ORDERED that the parties' joint request that the Settlement Agreement, Ex. 1008, in IPR2017-00241 and IPR2017-00244 be treated as business confidential information, to be kept separate from the patent file, is *granted*; and

FURTHER ORDERED that the petition in each of IPR2017-00241 and IPR2017-00244 is dismissed under 37 C.F.R. § 42.71(a) and the proceedings are hereby terminated.

IPR2017-00241 (Patent 6,614,826 B1)

IPR2017-00244 (Patent 6,198,759 B1)

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