

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

BOYDSTUN EQUIPMENT MANUFACTURING, LLC

Petitioner

v.

COTTRELL, INC.

Patent Owner

---

CASE IPR2017-00962

Patent No. 7,585,140

---

**JOINT MOTION BY BOYDSTUN EQUIPMENT MANUFACTURING, LLC  
AND COTTRELL, INC. TO**

**TERMINATE *INTER PARTES* REVIEW PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Petitioner Boydston Equipment Manufacturing, LLC (“Boydston”) and Patent Owner Cottrell, Inc. (“Cottrell”) jointly request termination of the *Inter Partes* Review of U.S. Patent No. 7,585,140 (“the ’140 patent”), Case No. IPR2017-00962. On February 20, 2018, the Board authorized the parties to file this joint motion.

Termination is appropriate because this joint request for termination is being filed before the Board has decided the merits of the proceeding, thus satisfying the requirements of § 317(a). A settlement agreement between Boydston and Cottrell has been made in writing, which settles all these disputes and which is being filed contemporaneously as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties certify that there are no other collateral agreements or understandings made in connection with, or in contemplation of, termination of this *inter partes* review.

Termination is appropriate because the parties have settled all of the judicial and administrative matters concerning the ’140 patent. In addition to this *inter partes* review, the parties were engaged in litigation in *Boydston Equipment Manufacturing, LLC v. Cottrell, Inc.*, 3:16-cv-790-SI, in the District of Oregon. Pursuant to the settlement agreement the parties have already dismissed the litigation in the District of Oregon, and there is no litigation or proceeding involving the ’140 patent contemplated in the foreseeable future.

February 27, 2018

Boydston Equipment Manufacturing,  
LLC, by its Attorneys,

/Stephen J. Joncus / (with permission)

Stephen J. Joncus

Reg. No. 44,809

Joncus Law P.C.

13203 SE 172<sup>nd</sup> Ave Ste 166 #344

Happy Vally, OR 97086

971.236.1200

steve@joncus.net

*Lead Counsel*

Cottrell, Inc., by its Attorneys,

/ Ryan J. McBrayer /

Ryan J. McBrayer

Reg. No. 54,299

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101

206.359.3073

RMcBrayer@perkinscoie.com

*Lead Counsel*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing document was served in its entirety this 27th day of February, 2018 by electronic mail on the Petitioner via its attorneys of record:

JONCUS LAW LLC  
Stephen J. Joncus - [steve@joncus.net](mailto:steve@joncus.net).  
David Madden - [dhm@mersenne.com](mailto:dhm@mersenne.com)

Dated: February 27, 2018

Respectfully submitted,

PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101  
(206) 359-3073

*/Ryan J. McBrayer/*  
Lead Counsel  
Ryan J. McBrayer, Reg. No. 54,299

PERKINS COIE LLP  
11988 El Camino Real, Suite 350  
San Diego, CA 92130  
(858) 720-5700

Back-Up Counsel  
Amy E. Simpson, Reg. No. 54,688  
  
Attorneys for Cottrell, Inc.