

Filed: June 22, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**MERAS ENGINEERING, INC.,**  
Petitioner,

v.

**CH<sub>2</sub>O, INC.,**  
Patent Owner.

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Case No. IPR2017-01000  
U.S. Patent No. RE45,550

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**JOINT MOTION TO TERMINATE PURSUANT TO  
35 U.S.C § 317 AND 37 C.F.R. § 42.74**

## **I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Meras Engineering, Inc. (“Petitioner”) and Patent Owner CH<sub>2</sub>O, Inc. (“Patent Owner”) jointly move to terminate this inter partes review (IPR) proceeding in light of a confidential settlement involving U.S. Patent No. RE45,550 (“the challenged patent”). The Board authorized the filing of this Joint Motion in an email dated June 21, 2017. Because Petitioner is the only real-party-in-interest petitioning in this proceeding, the settlement effectively resolves all disputes, and this entire proceeding should be dismissed as to both Petitioner and Patent Owner. The parties are filing, concurrently with this motion, a true copy of the confidential settlement agreement as required by the statute.

## **II. STATEMENT OF REASONS FOR THE RELIEF REQUESTED**

On June 19, 2017, Petitioner and Patent Owner reached a confidential agreement resolving the dispute over this IPR proceeding. No other petitioners remain in this IPR proceeding, and there are no related IPR proceedings. There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding. Accordingly, termination is appropriate because all disputes between the parties regarding the challenged patent have been resolved.

On March 22, 2017, the Board accorded a filing date to this proceeding. The Board not issued a decision regarding the institution of trial. Accordingly, termination is also appropriate because this proceeding has not yet been instituted.

Filed separately as Exhibit 3001 is a true copy of the written settlement agreement. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(b). The parties also are filing separately a request that the settlement agreement be treated as business confidential information and be kept separate from the files of this proceeding in accordance with 37 C.F.R. § 42.74(c).

For at least these reasons, Patent Owner and Petitioner submit that termination of this *inter partes* review is appropriate. Pursuant to 35 U.S.C. § 317(a), because the *inter partes* review is being terminated with respect to the Petitioner, no estoppel pursuant to 35 U.S.C. § 315(e) shall attach.

Dated: June 22, 2017

Respectfully submitted,

By: <u>/Bridget A. Smith/</u> Michelle E. Armond (Reg. No. 53,954) Bridget A. Smith (Reg. No. 63,574)  KNOBBE, MARTENS, OLSON & BEAR, LLP  Attorneys for Petitioner Meras Engineering, Inc.	By: <u>/Thomas R. Rozylowicz/</u> W. Karl Renner (Reg. No. 41,265) Thomas R. Rozylowicz (Reg. No. 50,620) Andrew R. Kopsidas (Reg. No. 42,7590  FISH & RICHARDSON, P.C.  Attorneys for Patent Owner CH <sub>2</sub> O, Inc.
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Meras v. CH<sub>2</sub>O  
IPR2017-01000

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e), and with the agreement of counsel for the Patent Owner, a true and correct copy of **JOINT MOTION TO TERMINATE PURSUANT TO 35 U.S.C § 317 AND 37 C.F.R. § 42.74 and EXHIBIT 3001** are being served electronically on June 22, 2017, to the email addresses shown below:

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Dated: June 22, 2017

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