

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TRICAM INDUSTRIES, INC.,  
Petitioner,

v.

WING ENTERPRISES, INC.,  
Patent Owner.

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Case IPR2018-01070  
Patent 7,364,017 B2

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Before SCOTT C. WEIDENFELLER, *Vice Chief Administrative Patent Judge*, CARL M. DEFRANCO, and JOHN P. PINKERTON, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

DISMISSAL OF PETITION  
*37 C.F.R. § 42.71(a)*

On August 2, 2018, the parties filed a joint motion to terminate this proceeding. Paper 5. Along with the motion, the parties filed a copy of a written settlement agreement (Ex. 1010) and a request to treat the settlement agreement as business confidential (Paper 6).

This proceeding is in a preliminary stage. The patent owner has yet to file a preliminary response to the petition, and we have yet to issue a

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decision on whether to institute *inter partes* review. The parties represent that they have resolved all disputes between them relating to the challenged patent, including “all patent-related claims and counterclaims” in the co-pending district court action, *Wing Enterprises, Inc. dba Little Giant Ladder Systems v. Tricam Industries, Inc.*, Case No. 0:17-cv-01769 (D. Minn.). Paper 5, 2. The district court dismissed the patent-related claims and counterclaims “with prejudice” on July 30, 2018. *Id.* The parties further represent that “no other party’s rights will be prejudiced by the termination of this proceeding.” *Id.* Under these circumstances, we determine that it is appropriate to dismiss the petition. *See* 37 C.F.R. § 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

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

FURTHER ORDERED that the petition for *inter partes* review of the challenged patent is *dismissed*; and

FURTHER ORDERED that the joint request for the settlement agreement (Ex. 1010) to be treated as business confidential information and to be kept separate from the patent files is *granted*.

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