

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

PENTAIR WATER POOL AND SPA, INC.,  
Petitioner,

v.

AQUA LIGHTING TECHNOLOGIES, LLC,  
Patent Owner.

---

Case IPR2019-00351  
Patent 6,616,291 B1

---

Before CHRISTOPHER L. CRUMBLEY, JEFFREY W. ABRAHAM, *and*  
JOHN F. HORVATH, *Administrative Patent Judges.*

ABRAHAM, *Administrative Patent Judge.*

ORDER  
Dismissal of the Proceedings  
*35 U.S.C. § 317(a) and 37 C.F.R. § 42.72*

On March 12, 2019, pursuant to 35 U.S.C. § 317(a), the parties filed a Joint Motion to Dismiss the Petition. Paper 7. Accompanying the Motion, the parties filed what they indicate is a true copy of a settlement agreement along with a Joint Request to treat the settlement agreement as confidential,

IPR2019-00351  
Patent 6,616,291 B1

to be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. Paper 8; Ex. 1044. We authorized the filing of these papers in an Order entered on March 1, 2019. Paper 6.

These proceedings are at an early stage. Patent Owner has not yet filed a preliminary response, and the Board has not yet determined whether to institute trial. The parties represent that the settlement agreement resolves all disputes between them relating to U.S. Patent 6,616,291 B1. Paper 7, 1. Under these circumstances, we determine that it is appropriate to dismiss the petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent files. 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the Joint Motion to Dismiss the Petition in IPR2019-00351, is *granted*;

FURTHER ORDERED that the parties' Joint Request to have their settlement agreement treated as business confidential information, to be kept separate from the patent files, is *granted*; and

FURTHER ORDERED that the Petition for *Inter Partes* Review in IPR2019-00351 is *dismissed*.

IPR2019-00351  
Patent 6,616,291 B1

PETITIONER:

Raye Daugherty  
[raye.daugherty@quarles.com](mailto:raye.daugherty@quarles.com)

Joel Austin  
[joel.austin@quarles.com](mailto:joel.austin@quarles.com)

Michael Curley  
[michael.curley@quarles.com](mailto:michael.curley@quarles.com)

Nikia Gray  
[nikia.gray@quarles.com](mailto:nikia.gray@quarles.com)

PATENT OWNER:

Robert Brunelli  
[rbrunelli@sheridanross.com](mailto:rbrunelli@sheridanross.com)