

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Inter Partes Review Control No. IPR2012-00004

Macauto U.S.A., Petitioner

v.

Patent of BOS GmbH & Co., Inc., Patent Owner

In re U.S. Patent No. 6,422,291 (Brunnert et al.)

Joint Motion to Terminate *Inter Partes* Review

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Patent Trial and Appeal Board's Order (Doc. 21) entered February 4, 2013, Petitioner and Patent Owner jointly request termination of *inter partes* review IPR2012-00004 with respect to sole Petitioner, Macauto U.S.A., pursuant to 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. No other petitioners remain in the proceedings.

Petitioner and Patent Owner have reached an agreement resolving the dispute in the above-captioned *inter partes* review.

As required under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.72(b), filed herewith is a true copy of the written Settlement Agreement resolving the dispute in the above-captioned *inter partes* review and the related litigation. See Exhibit A. Also attached is a copy of the Joint Stipulation of Voluntary Dismissal with Prejudice of the action in the United States District Court for the Western District of New York pursuant to the written Settlement Agreement. See Exhibit B.

Petitioner and Patent Owner hereby request that the Settlement Agreement attached hereto as Exhibit A shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).


Conclusion

The parties jointly request termination of IPR2012-00004.

Petitioner believes no fee is due with this filing. If necessary, however, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-2228, under Order No. 031347.0101, from which the undersigned is authorized to draw.

Dated: February 8, 2013

Respectfully submitted,

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EXHIBIT A

SETTLEMENT AGREEMENT

EXHIBIT B

JOINT STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE OF
ACTION IN IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

CERTIFICATE OF SERVICE

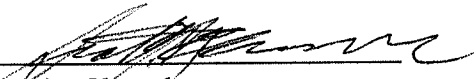
I hereby certify that on this 8th day of February, 2013, a copy of the Request for Termination of *Inter Partes* Review and supporting materials were sent via FedEx, to the following:

Leydig Voit & Mayer, LTD
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(FedEx)

Dated: February 8, 2013

Respectfully submitted,

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