

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSONITE, LLC,
Petitioner,

v.

OTTER PRODUCTS, LLC,
Patent Owner.

Case IPR2015-00507
Patent 8,792,232 B2

Before DONNA M. PRAISS, SCOTT A. DANIELS, and
TRENTON A. WARD, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
37 C.F.R. § 42.72

On July 14, 2015, the parties filed a “Joint Motion to Terminate Pursuant to 35 U.S.C. § 317” (Paper 11), and “Joint Request to Treat Agreement as Business Confidential Information” under 35 U.S.C. § 317(b) and C.F.R. § 42.74(c)” (Paper 10). The parties also filed a copy of their written settlement agreement (Paper 12) and further indicated by email on July 28, 2015 that the same settlement agreement was filed *In the Matter of*

Certain Protective Cases for Electronic Devices and Components Thereof,
337-TA-955, at the United States International Trade Commission.

A decision on institution has not been entered in this proceeding. Thus, this proceeding is in its initial stages. The parties indicate the following with respect to their disputes involving U.S. Patent 8,792,232 B2 (“the ’232 patent”):

The parties have settled their disputes and have reached agreement to terminate this IPR. In accordance with 37 C.F.R. § 42.20(b), the parties sought, and received, authorization from the Board to file this motion on July 14, 2015.

Termination of this proceeding is proper because the parties are jointly requesting termination and the Office has not yet “decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a). Indeed, this IPR has not yet been instituted.

Paper 11, 2. Under these circumstances, we determine that it is appropriate to terminate the proceeding. 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).

It is

ORDERED that the parties’ “Joint Motion to Terminate Pursuant to 35 U.S.C. § 317” is granted to the extent that proceeding IPR2015-00507 is terminated;

and

FURTHER ORDERED that the settlement agreement (Paper 12) will be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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