

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALEO NORTH AMERICA, INC., DELMEX DE JUAREZ S. DE R.L.
DE C.V., VALEO SYSTEMES D'ESSUYAGE,
Petitioners,

v.

TRICO PRODUCTS CORPORATION,
Patent Owner.

Case IPR2016-00238 (Patent 6,799,348 B1)
Case IPR2016-00239 (Patent 6,836,925 B1)¹

Before BRIAN P. MURPHY, JENNIFER MEYER CHAGNON and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*

MURPHY, *Administrative Patent Judge.*

ORDER
Dismissing Petitions Pursuant to Settlement
37 C.F.R. §§ 42.71(a), 42.74

¹ This order addresses motions to terminate based on a settlement agreement that resolves both cases. We exercise our discretion to issue a single order to be entered in each case.

IPR 2016-00238 (Patent 6,799,348 B1)

IPR 2016-00239 (Patent 6,836,925 B1)

On May 27, 2016, pursuant to Board authorization, the parties filed a Joint Motion to Terminate in each proceeding. IPR2016-00238, Paper 8; IPR2016-00239, Paper 7. The parties also filed a true copy of a written settlement agreement as “Board and Parties Only” and a joint request to have the settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2016-00238, Paper 9 and Ex. 1009; IPR2016-00239, Paper 8 and Ex. 1016.

Patent Owner has filed a Preliminary Response in both cases, but the Board has not yet determined whether to institute trial. The parties represent that their settlement agreement resolves their pending disputes related to the challenged patents. IPR2016-00238, Paper 8, 4; IPR2016-00239, Paper 7, 4.² Under these circumstances, we determine that it is appropriate to dismiss the Petitions. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). After reviewing the parties’ settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement and good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Petitions are *dismissed*;

² The parties represent that the co-pending International Trade Commission (“ITC”) investigation regarding the challenged patents has been suspended and a joint motion to terminate the ITC proceeding is being filed concurrently with the present motions. IPR2016-00238, Paper 8, 4; IPR2016-00239, Paper 7, 4.

IPR 2016-00238 (Patent 6,799,348 B1)

IPR 2016-00239 (Patent 6,836,925 B1)

FURTHER ORDERED that the parties' settlement agreement (Exhibit 1009 in IPR2016-00238 and Exhibit 1016 in IPR2016-00239) shall be treated as business confidential information and kept separate from the files of U.S. Patent Nos. 6,799,348 and 6,836,925, respectively, and remain designated as "Board and Parties Only."

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