

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THUNDER BOX, INC. and SEA TO SUMMIT PTY LTD,
Petitioner,

v.

CASCADE DESIGNS, INC.,
Patent Owner.

Case IPR2016-01526
Patent 7,480,952 B2

Before RICHARD E. RICE, BEVERLY M. BUNTING, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER

Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

Pursuant to our authorization, Thunder Box, Inc. and Sea to Summit Pty Ltd (collectively, “Petitioner”) and Cascade Designs, Inc. (“Patent Owner”) filed a joint Motion to Terminate this proceeding. See Paper 19. Petitioner and Patent Owner (collectively, “the Parties”) assert they “have settled their dispute and have agreed to request termination of this *inter partes* review proceeding.” *Id.* at 1. The Parties further assert they “have also agreed to settle and dismiss their related district court litigation.” *Id.* In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, the Parties have filed under seal as Exhibit 2003 a copy of a written settlement agreement between them, and represent it is “a true and correct copy” that “represents the complete agreement, including all terms and conditions by which the parties settled their dispute and including collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review.” *Id.* at 1–2. The Parties also “request that the terms of the Settlement Agreement be treated as business confidential information and kept separate from the underlying patent and IPR file.” *Id.* at 2 (citing 35 U.S.C. § 317(b), and 37 C.F.R. § 42.74(c)).

“An *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a). The Office has not yet decided the merits of the proceeding, which remains at an early stage. Under the circumstances, based on the record before us, we determine that good cause exists to terminate this proceeding with respect to all of the Parties. At this early juncture, termination is suitable because it promotes efficiency and minimizes unnecessary costs.

Based on the facts, it is appropriate to terminate these proceedings without rendering a final written decision. Further,

[a]t the request of a party to the proceeding, the agreement or understanding 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.

35 U.S.C. § 317(b). After reviewing the Parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement. We determine good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).

Accordingly, it is:

ORDERED that the joint Motion to Terminate (Paper 19) is *granted*;

FURTHER ORDERED that this proceeding is hereby terminated as to both Petitioner and Patent Owner; and

FURTHER ORDERED that the filed settlement agreement (Ex. 2003) be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and also remain designated as "Parties and Board Only" in the Board's filing system, and kept separate from the file of U.S. Patent No. 7,480,952 B2.

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