

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOSE CORPORATION,
Petitioner,

v.

CHARLES C. FREENY III, BRYAN E. FREENY, and
JAMES P. FREENY,
Patent Owners.

Case IPR2017-00302
Patent 6,490,443

Before TRENTON A. WARD, BARBARA A. PARVIS, and
KAMRAN JIVANI, *Administrative Patent Judges*.

JIVANI, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
35 U.S.C. § 317 and 37 C.F.R. §§ 42.71–42.74

On February 2, 2017, with Board authorization, the parties filed a joint motion to terminate the proceeding and request to treat the settlement agreement as business confidential (Papers 10 and 11), along with what they indicate is their written settlement agreement (Ex. 1013). The parties state that they “have settled all claims between them, and no petitioner will remain to pursue the claims in the Petition.” Paper 10, 2. The joint request to treat the settlement agreement as business confidential information includes a request that the settlement agreement be kept separate from the patent file. Paper 11, 1; *see also* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

This proceeding is at an early stage. Patent Owner has not filed a preliminary response, and a decision on whether to institute trial has not been made. The parties represent that, other than the settlement agreement (Ex. 1013), “[t]here are no other collateral agreements or understandings made between Bose and the Freenys [i.e., the parties] in connection with, or in contemplation of, the termination sought.” Paper 10, 4–5.

Based on the facts of this case, it is appropriate to terminate the petition for *inter partes* review. Therefore, the joint motion to terminate the proceeding is granted. 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 file. 37 C.F.R. § 42.74(c).

ORDER

It is, therefore,

ORDERED that the Joint Motion to Terminate (Paper 10) is *granted* and the proceedings are terminated;

FURTHER ORDERED that this proceeding is terminated as to all parties; and

FURTHER ORDERED that the joint request under 37 C.F.R. § 42.74(c) to treat the Settlement and License Agreement (Ex. 1013) as business confidential information to be kept separate from the patent file is *granted*.

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