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Paper 8
Entered: March 22, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RTIC COOLERS, LLC,
Petitioner,

v.

YETI COOLERS, LLC,
Patent Owner.

Cases[1]
IPR2016-01176 (Patent 8,910,819)
IPR2016-01207 (Patent 9,187,232)
IPR2017-00468 (Patent 9,139,352)

Before SCOTT A. DANIELS, JAMES A. TARTAL, and SCOTT C. MOORE, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

DECISIONS
Joint Motions to Terminate Inter Partes Review
35 U.S.C. § 317 and 37 C.F.R. § 42.5

[1] This Paper addresses issues that are the same in all three cases. Therefore, we exercise our discretion to issue one Paper to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

On March 8, 2017, the parties filed in each of the above-captioned proceedings a "Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74" (Paper 13), and "Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74" (Paper 14).[2] Also, in accordance with the Boards authorization, the parties filed both true and redacted copies of their written settlement agreement (Exhibits 2001, 2002).[3]

We instituted trial in IPR2016-01176 on December 15, 2016, and in IPR2016-01207 on December 20, 2016. No institution decision has been entered with respect to IPR2017-00468, and Patent Owner's Response has not yet been filed in any of the cases. Thus, these proceeding are in their initial stages. The parties indicate the following with respect to their dispute involving U.S. Patent No. 8,910,819 B2 ("the '819 patent"):

> The parties have settled their disputes, and have agreed to terminate this *inter partes* review. A Settlement Agreement has been made in writing, and a true and correct copy of the Settlement Agreement is being filed concurrently herewith as Exhibit 2001. There are no other collateral agreements relating to the Settlement Agreement . . . [t]his *inter partes* review is still in its early stages. The Board instituted this *inter partes* review on December 15, 2016, but Patent Owner has not filed a Patent Owner Response. The Patent Owner Response is not due until March 9, 2017, and in light of the settlement one will not be filed. No motions to amend have been made and no depositions as a consequence of this proceeding have been taken. Given this

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[2] Except where set out, this Order refers to the documents in IPR2016-01176. The corresponding paper numbers in IPR2016-01207 are, Papers 13, 14, and in IPR2017-00468, Papers 6, 7.

[3] The corresponding exhibit numbers in IPR2016-01207 are: Exhibits 2003, 2004, and in IPR2017-00468, Exhibits 2001, 2002.

> early stage, the Board has not decided the merits of the proceeding.

Paper 13. The parties provided similar statements with respect to IPR2016-01207 (Paper 13) and IPR2017-00468 (Paper 6). Under these circumstances, the same in each of the above-captioned cases, we determine that it is appropriate to terminate the proceedings. *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 Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74" in each case is granted to the extent that proceedings IPR2016-01176, IPR2016-01207, and IPR2017-00468 are terminated;

FURTHER ORDERED that the *Inter Partes* Review of the above-referenced patents are terminated; and

FURTHER ORDERED that, as was requested timely by the parties the settlement agreements (IPR2016-01176, Exhibits 2001, 2002; IPR2016-01207, Exhibits 2003, 2004; IPR2017-00468, Exhibits 2001, 2002) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and shall retain their "Parties and Board Only" status in the PTAB E2E system.

IPR2016-01176 (Patent 8,910,819)
IPR2016-01207 (Patent 9,187,232)
IPR2017-00468 (Patent 9,139,352)

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