

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BMW OF NORTH AMERICA, LLC,
BMW MANUFACTURING CO., LLC,
BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2017-01558
Patent 7,154,200 B2

Before KRISTEN L. DROESCH, JOHN A. HUDALLA, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

DECISION
Termination of the Trial
35 U.S.C. § 317 and 37 C.F.R. § 42.72

On August 10, 2018, the parties filed a joint motion to terminate the trial on the basis of a settlement reached by the parties. Paper 27. The parties also filed a copy of their written settlement agreement and a request to treat the settlement agreement as business confidential information under

35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 28; Ex. 1023. We authorized the filing of these papers in an email dated August 8, 2018.

The parties' joint motion to terminate was filed prior to the oral hearing in this case, and the Board has not made a final decision on the merits in this case. *See* 35 U.S.C. § 317(a). Although certain other proceedings involving the '200 patent will remain pending following the parties' settlement, the parties represent Patent Owner will move for dismissal of a related district court action involving the parties, and both parties will move to terminate Petitioner from a related International Trade Commission investigation. Paper 27, 1–5. As such, the parties represent that they have “resolve[d] all underlying disputes between the parties with respect to the '200 Patent.” *Id.* at 1. Given these facts, we determine that it is appropriate to terminate the trial, without rendering a final written decision, under 37 C.F.R. § 42.72. The oral hearing in the instant case is canceled.

“At the request of a party to the proceeding, the [settlement] 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 it contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint request to treat their settlement agreement (Ex. 1023) as business confidential information under 35 U.S.C.

§ 317(b) and 37 C.F.R. § 42.74(c), and to continue its designation as “Parties and Board Only” in the Patent Trial and Appeal Board End to End (PTAB E2E) system is *granted*;

FURTHER ORDERED that the parties’ settlement agreement shall be kept separate from the files of U.S. Patent No. 7,154,200 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause; and

FURTHER ORDERED that the joint motion to terminate the instant trial is *granted* and the trial is hereby *terminated*.

IPR2017-01558
Patent 7,154,200 B2

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