

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JS PRODUCTS, INC.,  
Petitioner,

v.

ROLLER CLUTCH TOOLS, LLC,  
Patent Owner.

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Cases IPR2018-00008, (Patent No. 8,904,907)  
IPR2018-00009, (Patent No. 6,044,944)<sup>1</sup>

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Before MICHAEL W. KIM, BEVERLY M. BUNTING, and  
MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

ORDER

Granting Joint Motions to Dismiss Proceedings and  
Granting Joint Requests to Treat Agreement as Business  
Confidential Information  
37 C.F.R. §§ 42.71(a), 42.72, 42.74

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<sup>1</sup> This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

### *I. Introduction*

On February 6, 2018, JS Products, Inc., (“Petitioner”), and Roller Clutch Tools, LLC, (“Patent Owner”), (collectively referred to as “the Parties”), filed a Joint Motion to Dismiss the Petition in each of the above-identified *inter partes* review proceedings. Paper 6 (collectively, “Joint Motions to Dismiss”).<sup>2 3</sup> Along with the Joint Motions to Dismiss, the Parties filed true copies of a Settlement Agreement (Exhibit 1023, “Settlement Agreement”), as well as Joint Requests to file true copies of the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317. Paper 7 (“Joint Requests to Keep Confidential”).

### *II. Discussion*

In the Joint Motions to Dismiss, the Parties represent that they have settled their dispute and have reached an agreement to dismiss these *inter parties* reviews, as memorialized in the Settlement Agreement. Paper 6, 1–2.

These proceedings are at an early stage. Patent Owner has not filed a preliminary response and we have not yet decided whether to institute trials. In view of the early stage of these proceedings, and the settlement between the Parties, we determine that it is appropriate to dismiss the petitions and dismiss the proceedings with respect to the Parties. *See* 37 C.F.R. § 42.71(a). Therefore, we *grant* the Joint Motions to Dismiss.

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<sup>2</sup> Filing of the Joint Motions to Dismiss was authorized in e-mail correspondence from Board personnel on February 2, 2018.

<sup>3</sup> For purposes of expediency, we cite papers filed in Case IPR2018-00008. Petitioner filed similar papers in Case IPR2018-00009.

IPR2018-00008 (Patent No. 8,904,907)

IPR2018-00009 (Patent No. 6,044,944)

After reviewing the Settlement Agreement between the Parties, we find that the Settlement Agreement itself is labeled CONFIDENTIAL and contains confidential business information regarding the terms of settlement. *See, e.g.*, Ex. 1023, Part V.5.1. We determine that it is appropriate to treat the Settlement Agreement between the Parties as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

### *III. Orders*

It is

ORDERED that the Joint Motion to Dismiss (Paper 6) in each of IPR2018-0008 and IPR2018-0009 is *granted*, and these two proceedings are *dismissed*; and

FURTHER ORDERED that the Joint Request to Keep Confidential (Paper 7) to treat the Settlement Agreement (Exhibit 1023) as business confidential under 37 C.F.R. § 42.74(c) is *granted* in each of IPR2018-0008 and IPR2018-0009.

IPR2018-00008 (Patent No. 8,904,907)

IPR2018-00009 (Patent No. 6,044,944)

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