

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BALKRISHNA INDUSTRIES, LTD., BKT TIRES, INC.,
and BKT USA, INC.,

Petitioner,

v.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC,
Patent Owner.

Case IPR2018-00281
Patent 8,156,980 B2

Before RAE LYNN P. GUEST, JON B. TORNQUIST, and AVELYN M. ROSS,
Administrative Patent Judges.

ROSS, *Administrative Patent Judge.*

ORDER
Dismissing the Petition
37 C.F.R. § 42.71

On February 13, 2018, pursuant to Board authorization, Petitioners Balkrishna Industries, Ltd., BKT Tires, Inc., and BKT USA, Inc. (collectively “BKT”) and Patent Owner Bridgestone Americas Tire Operations, LLC (“Bridgestone”) filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74. Paper 6 (“Joint Motion to Terminate”). Together with the Joint Motion to Terminate, the parties filed a copy of their written Settlement and License Agreement (Ex. 1035, “Agreement”) and a Joint Request to File Settlement Agreement as Business Confidential and To Maintain Said Agreement Separate From the Public File Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (“Request to File Settlement Agreement as Business Confidential”). Paper 7.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see also* 35 U.S.C. §317(a) and 37 C.F.R. § 42.72. Here, the Board has not yet issued a decision on institution. BKT and Bridgestone indicate that “the Settlement Agreement fully resolves all litigation and proceedings between the parties to this *inter partes* review proceeding relating to the ’980 Patent.” Motion 5. BKT and Bridgestone also indicate that a Joint Stipulation of Dismissal was filed in the district court litigation on February 12, 2018. *Id.* (citing Ex. 1036).

Under these circumstances, we determine that it is appropriate to dismiss this proceeding. *See* 37 C.F.R. §§ 42.5(a) and 42.72. We also determine that it is appropriate to treat the Agreement (Ex. 1035) as business confidential information to be kept separate from the patent file. *See* 37 C.F.R. §42.74(c) and 35 U.S.C. § 317(b).

ORDER

In view of the foregoing, it is

ORDERED that the Joint Motion to Terminate (Paper 6) is *granted*;

FURTHER ORDERED that the Request to File Settlement Agreement as Business Confidential (Paper 7) is *granted*; and

FURTHER ORDERED that this proceeding is terminated as to all parties and that the Petition (Paper 1) is *dismissed*.

PETITIONER:

Andrea Reister
Jihong Lou
COVINGTON & BURLING LLP
areister@cov.com
jlou@cov.com

PATENT OWNER:

Elizabeth Ferrill
Justin Loffredo
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
elizabeth.ferrill@finnegan.com
justin.loffredo@finnegan.com