

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BALDWIN FILTERS, INC.,
Petitioner,

v.

DONALDSON CORPORATION,
Patent Owner.

Case IPR2018-01110
Patent RE46,700 E

Before RAE LYNN P. GUEST, MICHELLE N. ANKENBRAND, and
AVELYN M. ROSS, *Administrative Patent Judges*.

ROSS, *Administrative Patent Judge*.

JUDGMENT

Terminating the Proceeding
Granting Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74(c)

On February 20, 2019, with our prior authorization, Petitioner Baldwin Filters, Inc. (“Petitioner”) and Patent Owner Donaldson Company, Inc. (“Patent Owner”) (collectively, “the parties”) filed a Joint Motion to Terminate the *Inter Partes* Review. Paper 16 (“Motion”). Together with the Motion, the parties filed a copy of their written Agreement and Covenant Not To Sue (Ex. 1037, “Agreement”) and a Joint Request to File the Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 18 (“Joint Request”).

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. We instituted an *inter partes* review in this case on December 4, 2018. Patent Owner “has yet to file its patent owner response and the Office has yet to decide the merits of this proceeding.” Motion 2. The parties indicate that the Settlement Agreement resolves “their dispute regarding the involved patent, RE46700 (and related application 15/888,680).” *Id.* at 2; Ex. 1037, 2. The parties also indicate that “there are no district court proceedings involving this patent and these parties; the parties know of no other related cases; and the parties contemplate no further litigation involving the challenged patent.” Motion 2.

Under these circumstances, we determine that it is appropriate to enter judgment and terminate this proceeding without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.5(a), 42.72. After reviewing the parties’ Agreement (Ex. 1037), we find that it contains confidential business information regarding the terms of the settlement and

that good cause exists to treat the Agreement (Ex. 1037) as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

ORDER

In view of the foregoing, it is

ORDERED that the Parties Joint Motion to Terminate the *Inter Partes* Review (Paper 16) is *granted* and this proceeding is hereby terminated; and

FURTHER ORDERED that the Joint Request to File the Settlement Agreement as Business Confidential Information (Paper 18) is *granted*.

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