

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ECOBEE, INC.,
Petitioner

v.

LINE GREEN LIGHTING, LLC,
Patent Owner

Case IPR2019-00315
Patent 9,699,874 B2

Before JO-ANNE M. KOKOSKI, J. JOHN LEE, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

SETTLEMENT
Before Institution of Trial
35 U.S.C. § 316(a)(4); 37 C.F.R. § 42.74

Petitioner, Ecobee, Inc., and Patent Owner, Lime Green Lighting, LLC, jointly request to terminate¹ IPR2019-00315 challenging U.S. Patent No. 9,699,874 B2. Paper 8 (“Motion”). Along with the joint motion, the parties filed what they indicate is a true copy of a written settlement agreement. Motion 2; Ex. 1015 (“Settlement Agreement”). The parties also filed a joint request to have the Settlement Agreement treated as business confidential information under 37 C.F.R. § 42.74(c). 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 (USPTO Aug. 14, 2012). In this case, we have not issued a decision on institution, and the parties represent that they “have settled their disputes in this proceeding.” Motion 2–3. Under the circumstances, it is appropriate to dismiss the petition. *See* 37 C.F.R. § 42.71(a).

We have reviewed the Settlement Agreement between Petitioner and Patent Owner. Because the Settlement Agreement contains business confidential information about the settlement terms, it is appropriate to treat the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c).

¹ Although the motion refers to 35 U.S.C. § 317(a) (Motion 3), that section provides, in relevant part, “[a]n inter partes review *instituted* under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a) (emphasis added). Because we have not issued a decision on institution, we treat this request as seeking dismissal of the petition.

ORDER

Accordingly, it is:

ORDERED that the Motion is *granted*;

FURTHER ORDERED that the petition is *dismissed*; and

FURTHER ORDERED that the request that the Settlement Agreement be treated as business confidential information, to be kept separate from the patent files under 37 C.F.R. § 42.74(c) is *granted*.

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