

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUKUP MANUFACTURING CO.,
Petitioner,

v.

SIOUX STEEL COMPANY,
Patent Owner.

Case IPR2019-00316
Patent 6,499,930 B1

Before NEIL T. POWELL, JAMES A. TARTAL, and
RICHARD D. MARSCHALL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Dismiss Petition
37 C.F.R. §§ 42.71(a), 42.72, 42.74

Sukup Manufacturing Co. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–21 of U.S. Patent No. 6,499,930 C1 (Ex. 1001, “the ’930 patent”). Petitioner subsequently informed the Board that it had reached an agreement with Patent Owner Sioux Steel Company to settle this proceeding and sought authorization to file a joint motion to dismiss this proceeding. With our authorization, the parties filed a Joint Motion to Dismiss the Petition and a Request to Treat Settlement Agreement as Business Confidential Information. Paper 11. A copy of the Settlement Agreement executed by the parties was also filed as Exhibit 1015.

The Parties represent that they have settled their dispute with respect to the challenged patent and memorialized their settlement in the written Settlement Agreement. Paper 11, 2. The parties further state that they have settled and dismissed the related district court litigation. *Id.* This proceeding is at an early stage as a decision on whether to institute *inter partes* review of the ’930 patent has not yet been entered.

In view of the early stage of this proceeding, the parties’ representations, and the concurrent settlement of the district court lawsuit, we determine that it is appropriate to dismiss the Petition and terminate the proceeding. *See* 37 C.F.R. § 42.71(a). Therefore, the Joint Motion to Dismiss the Petition is granted. We also grant the request of the parties to treat the Settlement Agreement as business confidential information. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

For the foregoing reasons, it is:

ORDERED that the Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) is *granted*;

FURTHER ORDERED that the Settlement Agreement (Ex. 1015) shall be treated as business confidential information and shall be kept separate from the patent file; and

FURTHER ORDERED that the Joint Motion to Dismiss the Petition is *granted* and the proceeding is *dismissed*.

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