

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FOSSIL GROUP, INC.,
Petitioner,

v.

CHARLES C. FREENY III,
BRYAN E. FREENY, and JAMES P. FREENY,
Patent Owner.

Case IPR2019-00755
Patent 6,490,443 B1

Before JUSTIN T. ARBES, GEORGIANNA W. BRADEN, and
JOHN D. HAMANN, *Administrative Patent Judges*.

HAMANN, *Administrative Patent Judge*.

ORDER
Dismissing the Petition
37 C.F.R. §§ 42.5(a), 42.71(a)

On March 1, 2019, Fossil Group, Inc. (“Petitioner”) filed a Petition seeking *inter partes* review of U.S. Patent No. 6,490,443 B1. Paper 2. On June 7, 2019, Charles C. Freeny III, Bryan E. Freeny, and James P. Freeny (collectively “Patent Owner”) filed a Patent Owner Preliminary Response. Paper 5. On June 24, 2019, Petitioner, with our authorization (Ex. 3001), filed a Reply to the Patent Owner Preliminary Response. Paper 6. On June 27, 2019, Patent Owner filed a Sur-Reply to Petitioner’s Reply. Paper 7.

On August 26, 2019, Patent Owner, with our authorization, filed a “Joint Request to Terminate and to Seal.” Paper 8. Pursuant to 37 C.F.R. § 42.74(b), Patent Owner also filed an unredacted copy of the written settlement agreement between the parties (Ex. 2019), which is the subject of the parties’ request to seal as business confidential information.

We have not instituted trial in this proceeding. Thus, this proceeding is in its initial stages. The parties indicate that they have settled their disputes relating to the challenged patent. Paper 8, 1. Under these circumstances, we determine that it is appropriate to dismiss the petition. See 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

It is

ORDERED that the “Joint Request to Terminate and to Seal” (Paper 8) is *granted*;

FURTHER ORDERED that the Petition for *Inter Partes* Review of the above-referenced patent is *dismissed*; and

FURTHER ORDERED that, as was requested timely, the settlement agreement (Ex. 2019) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

IPR2019-00755
Patent 6,490,443 B1

PETITIONER:

Joshua A. Griswold
Craig A. Deutsch
David Conrad
FISH & RICHARDSON P.C.
griswold@fr.com
deutsch@fr.com
conrad@fr.com

PATENT OWNER:

Marc A. Brockhaus
Jordan Sigale
Ann M. Robl
DUNLAP CODDING, P.C.
mbrockhaus@dunlapcoddington.com
jsigale@dunlapcoddington.com
arobl@dunlapcoddington.com