

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GIBSON OVERSEAS, INC.,
Petitioner,

v.

LODGE MANUFACTURING COMPANY,
Patent Owner.

IPR2019-01277
Patent 7,622,197 B2

Before CHRISTOPHER L. CRUMBLEY, MICHELLE N. ANKENBRAND,
and SHELDON M. McGEE, *Administrative Patent Judges*.

McGEE, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

On June 17, 2020, with prior Board authorization, Petitioner (Gibson Overseas, Inc.) and Patent Owner (Lodge Manufacturing Company) filed a combined Joint Motion to Terminate this proceeding and Joint Request that the settlement agreement be treated as business confidential and kept separate from the patent file (Paper 18, “Joint Mot.”), along with what the parties indicate is a copy of their written settlement agreement (Ex. 1025).

Under 35 U.S.C. § 317(a), “[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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the parties represent that they have reached an agreement resolving their disputes, and that Exhibit 1025 is a true copy of their written settlement agreement. Joint Mot. 1. The parties further represent that there are no other agreements or understandings made in connection with the termination of this proceeding. *Id.*

We instituted trial in this proceeding on February 4, 2020, but we have not yet decided the merits. Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering a final written decision. *See* 37 C.F.R. §§ 42.72, 42.74. Further, after reviewing the settlement agreement between Petitioner and Patent Owner, we determine it is appropriate to treat it as business confidential information and keep it separate from the file of the patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Therefore, we grant the Joint Motion to Terminate and the Joint Request to treat the settlement agreement as business confidential information in this proceeding. This determination does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is:

ORDERED that the Joint Motion to Terminate and Joint Request to treat the settlement agreement (Ex. 1025) as business confidential and kept separate from the patent file is *granted*; and

FURTHER ORDERED that IPR2019-01277 is *terminated* with respect to both Petitioner and Patent Owner.

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