

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WARD MANUFACTURING, LLC,
Petitioner,

v.

OMEGA FLEX, INC.,
Patent Owner.

IPR2019-01356
Patent 7,004,510 B2

Before LAURA A. PETER, *Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office*, LINDA E. HORNER, and SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. DISCUSSION

Petitioner, Ward Manufacturing, LLC, and Patent Owner, Omega Flex, Inc., jointly request to terminate IPR2019-01356 challenging U.S. Patent No. 7,004,510 B2. Paper 15 (“Motion”). Along with the joint motion, the parties filed what they indicate is a true copy of a “binding settlement term sheet between the parties.” Motion 2; Ex. 2008 (“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 16.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” Patent Trial and Appeal Board Consolidated Trial Practice Guide 86 (Nov. 2019).¹ In this case, we have not issued a decision on institution, and the parties represent that they “have settled their disputes regarding the ’510 patent.” Motion 4. Under the circumstances, it is appropriate to dismiss the petition. *See* 37 C.F.R. § 42.71(a) (2019).

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 Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

II. 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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For PETITIONER:

Patrick A. Lujin
Thomas M. Patton
Jesse J. Camacho
SHOOK, HARDY & BACON L.L.P.
plujin@shb.com
tpatton@shb.com
jcamacho@shb.com

For PATENT OWNER:

Andrew C. Ryan
Steven M. Coyle
CANTOR COLBURN LLP
ryan@cantorcolburn.com
scoyle@cantorcolburn.com