

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIGNA CORPORATION and
CIGNA HEALTH AND LIFE INSURANCE COMPANY,
Petitioner,

v.

SOUND VIEW INNOVATIONS, LLC,
Patent Owner.

IPR2020-00924
Patent 6,725,456 B1

Before DEBRA K. STEPHENS, DANIEL J. GALLIGAN, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate (Paper 9 (“Joint Motion”)). In support of the Joint Motion, the Parties filed a copy of a written confidential settlement agreement (Ex. 2026 (“Settlement Agreement”)). The Parties also filed a Joint Request to Treat Settlement Agreement as Business Confidential Information (Paper 10 (“Joint Request”)).

II. DISCUSSION

In the Joint Motion, the Parties state that they have “resolved their disputes and now jointly move to terminate the proceeding” (Joint Motion 1). The Parties indicate an “agreement resolving the disputes between the Petitioner and Patent Owner,” Settlement Agreement (Ex. 2026), has been filed concurrently (Joint Motion 1).

The Parties assert “termination is proper” because:

- The Board has not yet “decided the merits of the proceeding *before the request for termination is filed*” . . .
- All Parties are jointly requesting termination . . . [and]
- The Parties have settled their disputes and agreed to voluntary dismissal of the pending related district court litigation [(*Sound View Innovations, LLC v. Cigna Corp. et al.*, No. 1- 19-cv-00964 (D. Del.))] between the Parties regarding the Patent-at-Issue

(*id.* at 1–2). The Parties additionally state, “[t]he Settlement Agreement, Exhibit 2026, has been made in writing, and a true and correct copy [shall be filed with this Office]” (*id.* at 3). The Parties further “certify that, aside from

the Settlement Agreement [], there are no other agreements, oral or written, between the Parties and made in connection with, or in contemplation of, the termination of this proceeding” (*id.*).

There are strong public policy reasons to favor settlement between the parties to a proceeding (Office Patent Trial Practice Guide, 84 Fed. Reg. 64,280 (Nov. 21, 2019)). The proceeding is in its preliminary phase, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that it is appropriate to dismiss the petition and terminate the proceeding as to the Parties, without rendering a decision on institution or a final written decision.

In the Joint Request, the Parties “jointly request that the patent settlement agreement between the Parties (Exhibit 2026) submitted in this case concurrently herewith be treated as business confidential information and kept separate from the files of the involved patent and *inter partes* review proceeding.” (Joint Request 1).

After reviewing the Settlement Agreement between the Parties, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine the Settlement Agreement (Ex. 2026) between the Parties shall be treated as business confidential information under 37 C.F.R. § 42.74(c) and shall be kept separate from the files of the involved patents and associated proceeding.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that the above-captioned proceeding is *terminated* and the petition is *dismissed*; and

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement as Business Confidential Information is *granted*, and the Settlement Agreement shall remain designated as “Parties and Board Only” in the Board’s filing system, shall made available only to Federal Government agencies on written request, or to any person on a showing of good cause, and shall be kept separate from the files of the involved patent and associated proceeding, pursuant to 37 C.F.R. § 42.74(c).

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