

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WELLS FARGO BANK, N.A.,
Petitioner,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION,
Patent Owner.

IPR2020-01516
Patent 10,402,638 B1

Before MICHAEL R. ZECHER, STACEY G. WHITE, and TERRENCE W.
McMILLIN, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

On February 11, 2021, with our authorization, Petitioner, Wells Fargo Banks, N.A. (“Wells Fargo”), and Patent Owner, United Services Automobile Association (“USAA”), jointly filed a revised “Joint Motion to Dismiss Proceedings” (Paper 11, “Motion” or “Mot.”), a true copy of the parties’ settlement agreement (Ex. 2011); and (3) a renewed “Joint Request to File Agreement as Business Confidential Information and Keep it Separate From the File of U.S. Patent No. 10,402,638” (Paper 12, “Joint Request”). Petitioner and Patent Owner represent that their Settlement Agreement resolves their disputes regarding the above-identified patent. Mot. 3.

Based on the record before us, we dismiss the Petition in this proceeding. The instant proceeding is in the preliminary stage. Patent Owner filed a preliminary response (Paper 6), and we have not yet considered the merits of the Petition. In view of the early stage of the proceeding, the settlement between Petitioner and Patent Owner and filing of the agreement between the parties, and in view of the requested termination of the above-identified proceeding by the Parties as represented in the Motion, we determine that dismissing the Petition pursuant to the parties’ joint request will lead to a “just, speedy, and inexpensive resolution” in this proceeding. 37 C.F.R. § 42.1(b). Under these circumstances, we determine that it is proper to dismiss the Petition and to terminate the proceeding. 37 C.F.R. § 42.5(a); 37 C.F.R. § 42.71(a).

The Parties also filed a Joint Request seeking to keep the Settlement Agreement separate from the file for the instant patent. Paper 12. The Parties represent that the filed copy of the Settlement Agreement between Petitioner and Patent Owner is a true and complete copy. Mot. 3–4. After reviewing the Settlement Agreement, we find that the Settlement Agreement

contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Dismiss Proceedings is *granted*, the Petition in IPR2020-01516 is *dismissed*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement (Ex. 2011) between Petitioner and Patent Owner shall be kept separate from the files of U.S. Patent No. 10,402,638 B1 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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