

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BICYCLERD LIMITED,
Petitioner,

v.

PEPSCAN SYSTEMS B.V.,
Patent Owner.

IPR2020-01569 (Patent 8,742,070 B2)
IPR2020-01626 (Patent 8,748,105 B2)¹

Before ZHENYU YANG, CHRISTOPHER G. PAULRAJ, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

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

¹ This Order applies to both proceedings. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Joint Motion to Terminate in each of the above-identified proceedings due to settlement. IPR2020-01569, Paper 10; IPR2020-01626, Paper 9 ("Joint Motion"). In support of the Joint Motion, the Parties filed a corresponding Confidential Settlement and collateral agreement (IPR202-01569, Ex. 1034; IPR2020-01626, Ex. 1034 ("Settlement Agreement")), as well as a corresponding Joint Request to Treat Agreement as Business Confidential pursuant to 37 C.F.R. § 42.74(c) (IPR2020-01569, Paper 11; IPR2020-01626, Paper 10 ("Joint Request")).

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, and that the filed copy of the Settlement Agreement and collateral agreement is a true copy. Joint Motion 1. The Parties further represent that their Settlement Agreement resolves all currently pending Patent Office proceedings between the Parties involving Patents 8,742,070 B2 and 8,748,105 B2. *Id.* at 2. The Parties further represent that there are no related District Court proceedings. *Id.*

These proceedings are at an early stage, and we have not yet decided whether to institute a trial in the proceedings. In view of the early stage of the proceedings and the settlement between the Parties, we determine that good cause exists to terminate the proceedings with respect to the Parties.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the respective patents involved in these *inter partes* proceedings.

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Joint Request 1. After reviewing the Settlement Agreement, we find that it 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 37 C.F.R. § 42.74(c).

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

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and each of the above-identified proceedings is *terminated*; and

FURTHER ORDERED that the Joint Request to Treat the Settlement Agreement as Business Confidential is *granted*, and the Settlement Agreement shall be kept separate from the files of Patents 8,742,070 B2 and 8,748,105 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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