

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

OMNITEK PARTNERS LLC,
Patent Owner.

IPR2020-01574
Patent 8,224,569 B2

Before TIMOTHY J. GOODSON, JAMES J. MAYBERRY, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

GOODSON, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial
35 U.S.C. § 317(a),(b) and 37 C.F.R. §§ 42.72, 42.74

I. INTRODUCTION

With the Board's prior authorization, Unified Patents, LLC and Omnitek Partners LLC (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 "Confidential Settlement and License Agreement." Ex. 1024 ("Settlement Agreement"). The Parties also filed a "Joint Motion to Keep Confidential and Separate" the Settlement Agreement. Paper 10 ("Joint Request").

II. DISCUSSION

In the Joint Motion, the Parties state that they "have entered into a written confidential settlement agreement that fully resolves this matter." Joint Motion 1. The parties further state that the Settlement Agreement "represents a true and accurate copy of the agreement between the parties that resolves the present proceeding," and that "there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding." *Id.*

Although we have decided to institute a trial in this proceeding, we have not conducted an oral hearing and we have not decided the merits in this proceeding. *See* Joint Motion 3. In view of the Settlement Agreement, we determine that good cause exists and that it is appropriate to terminate this proceeding without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74.

In the Joint Request, the Parties request to file the Settlement Agreement "as business confidential information, and to have it be kept separate from the file of the involved patent." Joint Request 1.

After reviewing the Settlement Agreement, we determine that good cause exists to treat the Settlement Agreement (Ex. 1024) as business confidential information under 37 C.F.R. § 42.74(c), to keep it separate from the files of the involved patent and associated proceeding, and to limit its availability.

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 proceeding in IPR2020-01574 is *terminated*; and

FURTHER ORDERED that the Joint Motion to Keep Confidential and Separate 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 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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