

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RSPCT BASKETBALL TECHNOLOGIES, LTD.,
Petitioner,

v.

PILLAR VISION, INC., D/B/A NOAH BASKETBALL,
Patent Owner.

IPR2021-00006 (Patent 7,854,669 B2)
IPR2021-00010 (Patent 7,094,164 B2)
IPR2021-00011 (Patent 10,343,015 B2)¹

Before KEN B. BARRETT, BARRY L. GROSSMAN, and
ERIC C. JESCHKE, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

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

¹ This Decision applies to all of the above-identified proceedings. We exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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With our authorization, the parties filed in each of the above-captioned proceedings, on January 4, 2021, a “Joint Motion to Withdraw Petition for *Inter Partes* Review.” Paper 6² (“Mot.”). We treat the parties’ request as a joint motion to terminate the proceedings and to dismiss the petitions. Each petition shall remain in the respective record.

Along with the Joint Motion, the parties filed a copy of a document, Exhibit 2001, they describe as a true copy of their written settlement agreement made in connection with the withdrawal of the Petitions. *See* Mot. 1; *id.* at i (exhibit list identifying Exhibit 2001 as “Settlement Agreement”). The parties also filed a “Joint Request That the Settlement Agreement Be Treated as Business Confidential Information and Be Kept Separate under 35 U.S.C. § 317(b).” Paper 7.

These proceedings still are in their preliminary stages. Patent Owner has not filed a preliminary response, and we have not entered a decision on whether to institute an *inter partes* review.

The parties indicate that they have resolved their disputes regarding the subject patents, including the related district court litigation. Mot. 1. In their Joint Motion, the parties certify that the settlement agreement filed with the Joint Motion is “a true copy of any agreement or understanding (Exhibit 2001) between Petitioner and Patent Owner made in connection with, or in contemplation of, the withdrawal of the Petition for the proceeding under 37 CFR § 42.74(b).” *Id.* We understand this to be the parties’ representation and certification that there are no other oral or written agreements or

² Citations herein are to the record in IPR2021-00006. Corresponding papers and exhibits may be found in the records of the related cases.

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understandings, including any collateral agreements, between them that are made in connection with, or in contemplation of, the termination of these *inter partes* reviews. *See* 35 U.S.C. § 317(b). If our understanding is incorrect, the parties shall contact the Board immediately.

Under these particular circumstances, we determine that it is appropriate to dismiss the Petitions without rendering any further decisions, thereby terminating these proceedings. *See* 37 C.F.R. § 42.71(a). We also have reviewed the settlement agreement, and we determine that the settlement agreement contains business confidential information regarding the terms of the settlement and that good cause exists to treat the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c).

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

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint motions to terminate the proceedings in IPR2021-00006, IPR2021-00010, and IPR2021-00011 are *granted*, and the Petitions are dismissed;

FURTHER ORDERED that the parties' joint requests to treat the settlement agreement (Exhibit 2001) as business confidential information under 37 C.F.R. § 42.74(c) are *granted*; and

FURTHER ORDERED that the above-captioned proceedings are *terminated*.

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