

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRITAX CHILD SAFETY, INC.,
Petitioner,

v.

WONDERLAND SWITZERLAND AG,
Patent Owner.

IPR2021-00134
Patent 8,123,294 B2

Before LYNNE H. BROWNE, TIMOTHY J. GOODSON, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

MARSCHALL, *Administrative Patent Judge*.

DECISION

Settlement Prior to Institution of Trial
Granting Joint Motion to Dismiss Proceeding and
Granting Joint Request to File Settlement Agreement as
Business Confidential Information and to Maintain
Said Agreement Separate from the Public File
37 C.F.R. § 42.74

INTRODUCTION

Petitioner and Patent Owner (collectively “the parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. With our authorization, the parties filed a Joint Motion to dismiss the above-identified proceeding (“Joint Motion”). Paper 6, 2. The parties also filed a Joint Request to File Settlement Agreement as Business Confidential Information and to Maintain Said Agreement Separate from the Public File (“Joint Request”), and a related Settlement Agreement. Paper 7; Exhibit 1016.

DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek dismissal of this *inter partes* review proceeding, that the filed copy of the Settlement Agreement is a true copy, and “there are no other agreements or understandings, oral or written, between them, including any collateral agreements, made in connection with, or in contemplation of, the dismissal of the present proceeding as set forth in 35 U.S.C. § 317(b).” Joint Motion 2. The parties also represent that the Settlement Agreement resolves all disputes regarding U.S. Patent No. 8,123,294 B2, and that there are no other related agreements between the parties. *Id.* at 2.

We have not yet instituted a trial on the above-identified proceeding. Nor have we decided the merits of the proceeding, and a final written decision has not been entered in the proceeding. The parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the parties.

The Parties also requested that the Settlement Agreement be treated as business confidential information and be kept separate from the file of U.S. Patent No. 8,123,294 B2. Joint Request 2–3. 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 between the Parties as business confidential information pursuant to 35 U.S.C. § 317(b) and 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

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion is *granted*, and IPR2021-00134 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the file of U.S. Patent No. 8,123,294 B2 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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