

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARJAMZ COM INC.,
Petitioner,

v.

PUTCO, INC.,
Patent Owner.

IPR2021-00374 (Patent 9,243,796 B1),
IPR2021-00376 (Patent 9,995,473 B2)¹

Before THU A. DANG, JUSTIN T. ARBES, and
TERRENCE W. McMILLIN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue one order to be entered in each case.
The parties are not authorized to use a caption identifying multiple cases.

I. INTRODUCTION

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. Paper 6 (“Joint Motion”).² In support of each Joint Motion, the Parties filed a Settlement Agreement. Ex. 1019 (“Settlement Agreement”). The Parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the above-identified proceedings pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) in each of the above-identified proceedings. Joint Motion 2.

II. DISCUSSION

In each Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, as set forth in the filed copies of the Settlement Agreement. Joint Motion 1–2. The Parties further represent that the Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above-referenced patents. *Id.*

The above-identified proceedings are at an early stage, and we have not yet decided whether to institute 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 dismiss the petitions and terminate the proceedings.

The Parties also request that the Settlement Agreement be treated as

² All citations are to the record in IPR2021-00374. The record in IPR2021-00376 includes papers having substantially the same substantive content.

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business confidential information and be kept separate from the files of the respective patents involved in these *inter partes* proceedings. Joint Motion 2. After reviewing the Settlement Agreement between Petitioner and Patent Owner, 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 Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This paper 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 in each of the above-identified proceedings is *granted*, and IPR2021-00374 and IPR2021-00376 are *terminated*; and

FURTHER ORDERED that the requests to treat the Settlement Agreement as business confidential information are *granted*, and the Settlement Agreement shall be kept separate from the files of the above-referenced patents, 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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For PETITIONER:

Konrad Sherinian
Depeng Bi
THE LAW OFFICES OF KONRAD SHERINIAN, LLC
ksherinian@sherinianlaw.net
ebi@sherinianlaw.net

For PATENT OWNER:

Jonathan Kennedy
Glenn Johnson
Gregory Gunnerson
MCKEE, VOORHEES, & SEASE, PLC
Jonathan.kennedy@ipmvs.com
Glenn.johnson@ipmvs.com
Gregory.johnson@ipmvs.com