

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINIK COMPANY,
Petitioner,

v.

CHIEN-MIN SUNG,
Patent Owner.

IPR2021-00638
Patent 9,724,802 B2

Before PHILLIP J. KAUFFMAN, TIMOTHY J. GOODSON, and
JASON W. MELVIN, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. §§ 42.71, 42.74

I. DISCUSSION

Petitioner, Kinik Company, and Patent Owner, Chien-Min Sung (collectively “Parties”), request that the Petition for *inter partes* review in this proceeding be dismissed pursuant to settlement. Paper 8 (“Motion”). The Parties filed a copy of their Settlement Agreement. Ex. 1030.¹ The Parties state that the Settlement Agreement “resolves all underlying disputes with respect to U.S. Patent No. 9,724,802,” the patent challenged in this proceeding. Motion 1. They note also that the district-court litigation between the parties “has now been dismissed with prejudice.” *Id.* at 2.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in this proceeding. In view of the early stage of this proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the Petition.

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

II. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Dismiss the Petition is *granted*, and the petition in IPR2021-00638 is *dismissed*.

¹ The parties indicate that Exhibit 1030 is a certified translation of “court transcripts consisting of the Settlement Agreement between Sung and Kinik executed before the Intellectual Property Court of Taiwan.” Motion 1 n.1.

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Paper No. <x>
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