

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTA DEL MAR, INC.,
Petitioner,

v.

HOPNIC LABORATORY CO., LTD.,
Patent Owner.

IPR2021-00838
Patent 7,506,977 B1

Before KEVIN F. TURNER, NEIL T. POWELL, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate Proceeding
37 C.F.R. § 42.72

On May 23, 2022, the parties filed a Joint Motion to Terminate, with a joint request to treat as confidential the Settlement Agreement (Ex. 2026) in this proceeding. The above filing was authorized pursuant to an email sent by the Board on May 20, 2022.

Under 35 U.S.C. § 317(a), applicable to *inter partes* review proceedings, a proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. This matter is at a stage after the institution of the proceeding, but before Petitioner has filed its Petitioner's Reply to the Patent Owner Response (Papers 17, 19) in this proceeding.

The parties represent that they have settled their disputes and memorialized their settlement in the written agreement submitted. Under 35 U.S.C. § 317(b), any agreement or understanding between the Patent Owner and a Petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of the proceeding, shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office. The Settlement Agreement appears to be a true copy of the agreement between the parties, specifies the instant proceedings, and identifies other matters that are to be settled between the parties. (Ex. 2026). On this record, no motion by any third party for joinder with these *inter partes* reviews is pending.

Upon consideration of the facts before us, we determine that it is appropriate to terminate the proceeding with respect to both parties. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. Therefore, the joint motion to terminate the proceeding is granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceeding is *granted*;
and

FURTHER ORDERED that the Settlement Agreement (Ex. 2026), be treated as business confidential information, be designated “Parties and Board Only,” and be kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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