

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACUITY BRANDS LIGHTING, INC.,
Petitioner,

v.

ULTRAVISION TECHNOLOGIES, LLC,
Patent Owner.

IPR2021-00905
Patent 9,947,248 B2

Before BRIAN J. McNAMARA, SCOTT A. DANIELS, and
ROBERT L. KINDER
Administrative Patent Judges.

DANIELS, *Administrative Patent Judge.*

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

On September 14, 2021, with Board authorization, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Dismiss Pursuant to 35 U.S.C. § 317(a) the above-captioned proceeding. Paper 7 (“Joint Motion”). Along with the Joint Motion, the Parties filed a copy of their confidential Settlement Agreement (Ex. 1042), as well as a Joint Request to treat the Settlement Agreement as business confidential information (Paper 9, “Joint Request”). *See* 37 C.F.R. § 42.74(c) (a party to a settlement may request that the settlement agreement be treated as business confidential and be kept separate from the patent file).

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek to dismiss the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true copy of their agreement. Joint Motion 1. The Parties further represent that besides the Settlement Agreement “[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the dismissal of the Petition,” and that “[t]here are currently no litigations or proceedings involving the ’248 Patent.” *Id.* at 2.

This proceeding is at an early stage as we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the petition and terminate the proceeding with respect to the Parties. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

The parties also ask that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the challenged patent. Joint Request 1. We determine that it is appropriate to

treat the Settlement Agreement as business confidential information, and to keep that document separate from the file of the challenged patent, pursuant to 37 C.F.R. § 42.74(c).

For the foregoing reasons, it is:

ORDERED that the Joint Motion is *granted* and this proceeding is dismissed with respect to Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Request that the confidential Settlement Agreement (Ex. 1042) be treated as business confidential information, and be kept separate from the patent file, is *granted* in this proceeding.

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