

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

ARIGNA TECHNOLOGY LIMITED,
Patent Owner.

IPR2022-00147
Patent 7,0149,850 B2

Before GARTH D. BAER, SHARON FENICK, and IFTIKHAR AHMED,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

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

I. INTRODUCTION

On January 26, 2022, pursuant to our e-mail authorization, Petitioner and Patent Owner (collectively, “the Parties”) filed a Joint Motion to terminate the above-identified proceeding. Paper 9¹ (“Joint Motion”). In support of the Joint Motion, the Parties filed a copy of a Dismissal Agreement agreed upon by the Parties and settling their dispute in the above-identified proceeding. Ex. 1012 (“Dismissal Agreement”). Along with the Joint Motion, the Parties filed a Joint Request to File Dismissal Agreement as Business Confidential Information, pursuant to 35 U.S.C. § 317(b) and § 37 C.F.R. § 42.74(c). Paper 8 (“Joint Request”).

II. DISCUSSION

In the Joint Motion, the Parties represent that they have resolved their disputes regarding Patent 7,0149,850 B2 in both this *inter partes* review and the related district court litigation, that the filed copy of the Dismissal Agreement is a true and correct copy, and that there are no other agreements or understandings between the parties made in connection with, or in contemplation of, the termination of this proceeding. Paper 9, 1–2.

This proceeding is at an early stage, and 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 terminate the proceeding with respect to the Parties.

¹ The Parties’ filing is titled “Joint Motion to Withdraw *Inter Partes* Review Petition.” Paper 9. In the Joint Motion, the Parties “request withdrawal of the Petition,” but rely on rules and statutes addressing termination, asserting that “termination is proper.” *Id.* at 1 (citing 37 C.F.R. § 42.74; 35 U.S.C. § 317(a)). As such, we understand the Joint Motion to be a motion requesting termination of the proceedings.

The Parties also filed a Joint Request to file their Dismissal Agreement as business confidential information, and that it be kept separate from the file of the involved patent. Paper 8, 1. 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 37 C.F.R. § 42.74(c).

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

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate IPR2022-00147 is *granted* and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request to File Dismissal Agreement as Business Confidential Information is *granted*, and the Dismissal Agreement shall be kept separate from the files of Patent 7,0149,850 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

IPR2022-00147
Patent 7,0149,850 B2

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