

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AQUARIUS SPECTRUM, LTD.,
Petitioner,

v.

ECHOLOGICS, LLC, MUELLER INTERNATIONAL, LLC, and
MUELLER CANADA, D/B/A ECHOLOGICS,
Patent Owner.

IPR2022-00153
Patent 7,475,596 B2

Before JO-ANNE M. KOKOSKI, CHRISTOPHER L. OGDEN, and
Avelyn M. Ross, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial and
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively, “the Parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. On August 3, 2022, the Parties filed a Joint Motion to Terminate in the proceeding. (Paper 12, “Joint Motion”). On August 2, 2022, we authorized the Parties to file a joint motion to terminate the proceeding. Joint Motion 1. The Parties also filed a copy of their settlement agreement (Ex. 1014, “Settlement Agreement”) and filed a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 13, “Joint Request”).

II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter 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.” The Office may also terminate the *inter partes* review if no petitioner remains in the proceeding. *Id.*

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the *inter partes* review, that the filed copy of the Settlement Agreement is a true copy, and there are no other collateral agreements between the Parties made in connection with, or in contemplation of, the termination. Joint Motion 1–2. Further, the Settlement Agreement indicates it is a complete agreement. Ex. 1014, 6. The Parties also represent that their Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving U.S. Patent No. 7,475,596. Joint Motion 1–2.

We instituted a trial on the proceeding on May 31, 2022. Paper 9. But we have not yet decided the merits of the proceeding, and we have not entered a final written decision. Although the proceeding has moved beyond the preliminary stage, the Parties have shown that the termination of the proceeding is appropriate. Under these circumstances, good cause exists to terminate the proceeding with respect to the Parties.

The Parties also requested that the Settlement Agreement be treated as business-confidential information and be kept separate from the file of Patent 7,475,596. Joint Request 1. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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

III. ORDER

For the reasons discussed above, it is

ORDERED that the Joint Motion is *granted*, and the proceeding IPR2022-00153 is *terminated* as to Petitioner and Patent Owner under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement will be kept separate from the file of U.S. Patent No. 7,475,596 under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

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