

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DECIBEL INSIGHT, LTD., AND
DECIBEL INSIGHT, INC.,
Petitioner,

v.

CONTENT SQUARE ISRAEL LTD. (f/k/a CLICKTALE LTD.),
Patent Owner.

IPR2022-00476
Patent 10,749,976 B2

Before KARL D. EASTHOM, STEVEN M. AMUNDSON, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

CYGAN, *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

On March 2, 2023, with authorization of the Board, Petitioners Decibel Insight, Ltd. and Decibel Insight, Inc. (collectively “Petitioner”) and Patent Owner Content Square Israel Ltd. (“Patent Owner”) (collectively “the parties”) filed a Joint Motion to Terminate *Inter Partes* Review. Paper 24 (“Joint Motion”). The parties also filed a copy of a Settlement Agreement. Ex. 2012. The parties further request that the Settlement Agreement be treated as business confidential information, and be kept separate, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 25 (“Joint Request”).

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.” 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

We instituted trial for the above-identified *inter partes* review proceeding on August 15, 2022. Paper 15. Substantive briefing following institution has not yet completed, we have not yet decided the merits of the proceeding, and a final written decision has not been entered. The Parties indicate that the Settlement Agreement is “a true and correct copy” thereof and “resolves all pending disputes” between the Parties with respect to the ’976 patent. Paper 24, 1. The Parties further indicate that no other collateral agreements have been made in connection with, or in contemplation of, the termination of the proceeding. *Id.* Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties. We determine that the Parties have provided an adequate showing to justify termination of the proceeding.

After reviewing the Settlement Agreement, we find that the document contains confidential business information regarding the terms of settlement. Thus, good cause exists to treat the Settlement Agreement 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).

Accordingly, it is hereby

ORDERED that the Joint Motion to terminate IPR2022-00476 is *granted*;

FURTHER ORDERED that IPR2022-00476 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to is granted, and the Settlement Agreement (Ex. 2012) in IPR2022-00476 shall be kept separate from the file of U.S. Patent No. 10,749,976 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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Patent 10,749,976 B2

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