

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIRST LIGHT TECHNOLOGIES, INC.
Petitioner,

v.

TROJAN TECHNOLOGIES GROUP, ULC,
Patent Owner.

IPR2022-00506
Patent 8,167,654 B2

Before KARL D. EASTHOM, GREGG I. ANDERSON, and
JOHN D. HAMANN, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

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

I. INTRODUCTION

On July 8, 2022, with Board authorization (Ex. 3003), the parties filed a Joint Motion to Dismiss and Terminate the Petition in the above-identified proceeding due to settlement. Paper 6 (“Joint Motion”). After filing the Joint Motion, the parties filed settlement documents (“Settlement Agreements”). Ex. 1015; Ex. 1016. The parties also filed a Joint Request to Treat Settlement Documents as Business Confidential Information. Paper 7 (“Joint Request”).

II. DISCUSSION

In the Joint Motion, the parties represent that “the parties’ settlement will be in writing, and the parties will file a true and correct copy of any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of this proceeding pursuant to 37 C.F.R. § 42.74(b) by July 21, 2022.” The Joint Request indicates that the parties will have “filed separately by July 21, 2022 as Exhibits 1015 and 1016,” “all settlement documents.” Joint Request 1. On July 21, 2022, the parties filed the Settlement Agreements. Ex. 1015; Ex. 1016.

This proceeding is at an early stage, prior to any decision as to 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 it is appropriate to dismiss the Petition and terminate the proceeding.

Further, after reviewing the parties’ Settlement Agreements, we find that they contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreements as business confidential information and to keep them separate from the file of the patent in the above-captioned proceeding pursuant to

37 C.F.R. § 42.74(c). This Decision is not a final written decision under 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that the Joint Motion to terminate the above-identified proceeding is *granted*, the petition is *dismissed*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted* and the Settlement Agreements shall be kept separate from the file of the above-captioned proceeding and 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).

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