

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

NOBLEWOOD IP LLC,
Patent Owner.

Case IPR2022-01111
Patent 7,941,553 B2

Before JAMESON LEE, SCOTT A. DANIELS, and
SCOTT E. RAEVSKY, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

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

On December 15, 2022, with Board authorization, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate the above-captioned proceeding. Paper 6 (“Joint Motion to Terminate”). Along with the Joint Motion to Terminate, the Parties filed a copy of a Confidential Agreement (Ex. 1016), as well as a Joint Motion to keep Confidential and Separate, the Confidential Agreement as business confidential information (Paper 7, “Joint Motion to keep Confidential and Separate”). *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 to Terminate, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Confidential Agreement is a true and accurate copy of their agreement. Joint Motion to Terminate 1. The Parties further represent “that there are no other collateral agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the dismissal of the petition” related to the above-identified patent at issue. The Parties’ listing of open and settled litigation does not describe any current district court litigation between Patent Owner and Petitioner. *See id.* at 2–3 (The Parties listing the open and settled status of litigation involving the ’553 patent.).

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 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 Confidential Agreement be treated as business confidential information and be kept separate from the file of the challenged patent. Joint Motion to keep Confidential and Separate 1. We determine that it is appropriate to treat the Confidential 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 to Terminate is *granted* and this proceeding is terminated with respect to Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Motion to keep Confidential and Separate, requesting that the Confidential Agreement (Ex. 1016) be treated as business confidential information and kept separate from the patent file, is *granted* in this proceeding.

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