

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REFLEX USA LLC,
Petitioner,

v.

GLOBALTECH CORPORATION PTY LTD.,
Patent Owner.

IPR2022-01373
Patent 9,540,924 B2

Before THU A. DANG, LYNNE E. PETTIGREW, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate the Proceeding (“Joint Motion”) and Joint Request to Treat Settlement Agreement as Business Confidential Information (“Joint Request”). Paper 6. The Parties also filed a copy of a Settlement Agreement. Ex. 1020.

II. DISCUSSION

In the Joint Motion, the Parties represent that they “have settled their dispute regarding the ’924 patent.” Paper 6, 2. The Parties further represent that the filed Settlement Agreement is “a true and complete copy of the settlement agreement” and “certify that there are no other agreements or understandings between the parties, including any collateral agreements, made in connection with, or in contemplation of, the termination of this proceeding.” Paper 6, 2–3.

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 this proceeding with respect to the Parties.

In the Joint Request, the Parties seek for the Settlement Agreement to “be treated as business confidential information and be kept separate from the publicly available files of the involved patent.” Paper 6, 3. After review, 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 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

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion is *granted*, and the petition in IPR2022-01373 is dismissed and this proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the files of Patent 9,540,924 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).

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