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Paper 9
Entered: February 9, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

IPR2022-01521
Patent 9,681,466 B2

Before KRISTEN L. DROESCH, DAVID C. MCKONE, and AMBER L. HAGY, *Administrative Patent Judges.*

MCKONE, *Administrative Patent Judge*.

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

With our authorization, the parties filed a Joint Motion to Terminate Proceeding. Paper 7. The parties assert that they "have reached an agreement to resolve this *inter partes* review (IPR) proceeding." *Id.* at 1. The parties represent that, as a result of the parties' resolution of their dispute, they are also filing a motion to dismiss the co-pending lawsuit related to U.S. Patent No. 9,681,466 B2 ("the '466 Patent"), which is the patent at issue in this proceeding. *Id.* at 3. The parties represent also that "[a] true copy of the document resolving the disputes related to the '466 Patent is filed concurrently herewith," which was filed as Exhibit 2001. *Id.* at 4. We have reviewed that document and it indicates that the agreement is the entire agreement between the parties.

In a separate paper, the parties also jointly request that the Board "treat the document resolving the proceeding (the 'Resolution Document,' Exhibit 2001) . . . as business confidential information" and "that the confidential Resolution Document be kept separate from the file of the subject patent in the captioned proceeding and be made available only to Federal Government agencies on written request or to persons showing good cause." Paper 8, 1.

The Board has not yet entered a decision on institution of a trial, and we determine that good cause exists to dismiss the Petition (Paper 2) and to terminate the preliminary proceeding. *See* 37 C.F.R. § 42.74. After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement, and we determine that good cause exists to treat the settlement agreement as business confidential information. *See id.*

It is

ORDERED that the Joint Motion to Terminate Proceedings is *granted*;

FURTHER ORDERED that the Petition (Paper 2) is *dismissed* and the preliminary proceeding is *terminated*; and

FURTHER ORDERED that the filed settlement agreement (Ex. 2001) be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c) and also remain designated as available only to "Parties and Board" in the Board's Patent Trial and Appeal Case Tracking System (P-TACTS).

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