

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-01543
Patent 10,234,400 B2

Before KARL D. EASTHOM, MICHELLE N. WORMEESTER, and
AARON W. MOORE, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

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

I. INTRODUCTION

On April 5, 2023, with Board authorization (Ex. 3001), the parties filed a Joint Motion to Terminate Proceeding in the above-identified proceeding due to settlement. Paper 9 (“Joint Termination Motion”). The parties also filed settlement documents (“Settlement Agreement”). Ex. 1020. The parties also filed a Joint Motion to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b). Paper 10 (“Joint Filing Motion”).

II. DISCUSSION

The parties’ Joint Termination Motion states that “the parties are submitting a true copy of the settlement agreement as Exhibit 1020, along with this Joint Motion to Terminate Proceeding and a Joint Motion to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b).” Paper 9, 1. In addition, “[t]he parties jointly certify that, aside from the settlement agreement, there are no collateral agreements or understandings made in connection with or in contemplation of terminating this proceeding.” *Id.*

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 Agreement, we find that they contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement 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 Termination Motion to terminate the above-identified proceeding is *granted*, the petition is *dismissed*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Filing Motion is *granted* and the Settlement Agreement 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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