

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INVATA, LLC and HC ROBOTICS,
Petitioner,

v.

OPEX CORPORATION,
Patent Owner.

IPR2022-01604
Patent 11,192,144 B2

Before WILLIAM A. CAPP, JEREMY M. PLENZLER, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

CAPP, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

With our authorization, the parties filed a Joint Motion to Terminate Proceeding. Paper 10. The parties assert that they have resolved their dispute related to the '144 patent, including related litigation pending in District Court and before the ITC. *Id.* at 2. The parties also represent that a true copy of such settlement agreement has been filed contemporaneously with said motion, which has been filed as Exhibit 1011. *Id.* We have reviewed the “Agreement” filed in this matter as Exhibit 1011.

In their Joint Motion, the parties request that the Board treat their Agreement (Exhibit 1011) as business confidential information and that such Agreement 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 10, at 4–5.

We determine that good cause exists to terminate this IPR proceeding. *See* 37 C.F.R. § 42.74. After reviewing the parties’ Agreement (Ex. 1011), we find that such Agreement contains confidential business information regarding the terms of settlement, and we determine that good cause exists to treat the Agreement as business confidential information.

It is

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

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

FURTHER ORDERED that the Agreement (Ex. 1011) shall be kept separate from the file of U.S. Patent No. 11,192,144 B2, and made available only to Federal Government agencies on written request, or to any person on

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a showing of good cause, pursuant to 37 C.F.R. § 42.74(c) and also remain designated as available only to “Parties and Board” in the Board’s E2E system.

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