

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WALT DISNEY PARKS AND RESORTS U.S., INC.,
Petitioner,

v.

RAVEN SUN CREATIVE, INC.,
Patent Owner.

IPR2022-01605
Patent 9,266,028 B2

Before HYUN J. JUNG, WILLIAM A. CAPP, and MICHAEL L. WOODS,
Administrative Patent Judges.

WOODS, *Administrative Patent Judge.*

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

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceeding. Paper 15 (“Motion” or “Mot.”). Along with the Motion, the parties filed a copy of an agreement executed in contemplation of settlement. Ex. 1022 (“Settlement Agreement”). The parties also filed a Joint Request to File Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.72(c). Paper 17 (“Joint Request”).

II. DISCUSSION

According to the Motion, the Settlement Agreement resolves the parties’ disputes involving U.S. Patent No. 9,266,028 B2 (the “’028 patent”) and is a “true and correct copy of the Confidential Settlement Agreement.” Mot. 1–3. The parties also “certify that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.” *Id.* at 3.

The proceeding is in its early stage and we have not yet decided the merits of the proceeding. Additionally, the Settlement Agreement settles all disputes in this proceeding and as to the ’028 patent. *See id.* at 2–3. Thus, we determine that good cause exists to grant the Motion and terminate the proceeding.

The parties also request that the Settlement Agreement be treated as business confidential information and kept separate from the file of the ’028 patent. Paper 17, 1.

After reviewing the Settlement Agreement, we find that it contains confidential business information about the settlement terms. Thus, good

cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c) and we grant the Joint Request.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

It is

ORDERED that the Motion (Paper 15) is granted;

FURTHER ORDERED that the Joint Request (Paper 17) is granted;

FURTHER ORDERED that the Settlement Agreement (Exhibit 1022) shall be treated as business confidential information, kept separate from the file of the '028 patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that this proceeding is terminated.

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Patent 9,266,028 B2

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