

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINPLUS NORTHAMERICA, INC.,
Petitioner,

v.

SHENZHEN CARKU TECHNOLOGY CO., LTD.,
Patent Owner.

IPR2023-00368
Patent 10,148,105 B2

Before ST. JOHN COURTENAY III, HYUN J. JUNG, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial and
Granting Request to Treat Settlement Agreement
as Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

On May 26, 2023, with the Board’s authorization, Petitioner and Patent Owner (collectively, “the Parties”) filed a Joint Motion to terminate the above-captioned *inter partes* review proceeding. Paper 6 (“Joint Motion”). Along with the Joint Motion, the Parties filed a copy of a Settlement and Covenant Not to Sue Agreement (Ex. 1027, “Settlement Agreement”), as well as a Joint Request that the Settlement Agreement be treated as business confidential information and kept separate from the file of U.S. Patent No. 10,148,105 B2 (Ex. 1001, “the ’105 patent”). Paper 7 (“Joint Request”).

II. DISCUSSION

In the Joint Motion, the Parties represent that the Settlement Agreement resolves their underlying dispute involving the ’105 patent. Joint Motion 3. The Parties also represent that they have filed a true copy of the Settlement Agreement made in connection with, or in contemplation of, the termination of the above-captioned proceeding, and “[t]here are no other collateral agreements between the parties made in connection with, or in contemplation of, the dismissal sought.” *Id.* at 1.

This proceeding is at an early stage. We have not yet decided whether to institute a trial. 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 (Paper 2) and terminate the proceeding with respect to the Parties.

The Parties also jointly request that the Settlement Agreement be treated as business confidential information and kept separate from the file of the ’105 patent. Joint Request 2. After reviewing the Settlement

Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, 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, it is:

ORDERED that the Joint Motion to terminate (Paper 6) is *granted*, the Petition in IPR2023-00368 is *dismissed*, and the proceeding is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement as Business Confidential Information (Paper 7) is *granted*, and the Settlement Agreement (Ex. 1027) shall be kept separate from the file of U.S. Patent No. 10,148,105 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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Patent 10,148,105 B2

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