

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KEA CLOUD, INC. and HI AUTO, INC.,
Petitioner,

v.

VALYANT AI, INC.,
Patent Owner.

IPR2023-00450
Patent 10,592,706 B2

Before THU A. DANG, DANIEL J. GALLIGAN, and AMBER L. HAGY,
Administrative Patent Judges.

HAGY, *Administrative Patent Judge.*

TERMINATION

Due to Settlement After Institution of Trial and
Granting Joint Motion to File Settlement Agreement
as Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

On October 16, 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 15 (“Joint Motion”). Along with the Joint Motion, the Parties filed copies of two settlement agreements (Ex. 1062; Ex. 1063) (collectively, “Settlement Agreements”). The Parties also filed a joint motion requesting that the Settlement Agreements be filed as business confidential information and kept separate from the file of U.S. Patent No. 10,592,706 B2 (“the ’706 patent”). Paper 16 (“Joint Request”).

II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the Parties represent that the Settlement Agreements resolve their disputes involving the ’706 patent. Joint Motion 1. The Parties also represent “that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding, and that Exs. 1062 and 1063 represent true and accurate copies of the respective agreements between the parties that resolve the present proceeding.” *Id.*

We instituted trial for the above-identified *inter partes* review proceeding on July 19, 2023. *See* Paper 12. We have not yet decided the

merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the proceeding has moved beyond the preliminary stage, the Parties have shown adequately that termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding.

The Parties jointly request that the Settlement Agreements be treated as business confidential information and kept separate from the file of the '706 patent. Joint Request 1. After reviewing the Settlement Agreements, we find that they contain confidential business information regarding the terms of settlement. Thus, good cause exists to treat the Settlement Agreements 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 15) is *granted*, and IPR2023-00450 is *terminated* and

FURTHER ORDERED that the Parties' Joint Request to treat the Settlement Agreements as business confidential information (Paper 16) is *granted*, and the Settlement Agreements (Ex. 1062; Ex. 1063) shall be kept separate from the file of U.S. Patent No. 10,592,706 B2, and made available only as provided in 37 C.F.R. § 42.74(c).

IPR2023-00450
Patent 10,592,706 B2

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