

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REFLEX USA LLC,
Petitioner,

v.

LONGYEAR TM, INC. and GLOBALTECH CORPORATION PTY LTD.,
Patent Owner.

Case No. IPR2023-00642
Patent No. 10,830,013

**JOINT MOTION TO TERMINATE
UNDER 35 U.S.C. § 317 AND 37 C.F.R. §§ 42.72 AND 42.74
AND
JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION**

Pursuant to 35 U.S.C. § 317(a), Petitioner Reflex, LLC (“Reflex”) and Patent Owner Globaltech Corporation Pty Ltd. and Veracio Ltd. (“Patent Owner”) (collectively, “Parties”), hereby jointly move for an order terminating the *inter partes* review, subject to the terms of the Settlement Agreement dated August 16, 2024, entered into by the Parties regarding U.S. Patent No. 10,830,013 (the “’013 patent”), and jointly request to treat as business confidential information the copy of the settlement agreement filed along with this paper (Confidential Exhibit 1025).

The Board authorized the filing of the instant motion in an email dated August 27, 2024. This motion is accompanied by a copy of the settlement agreement between the Parties.

I. JOINT MOTION TO TERMINATE THE PROCEEDING

First, the Parties jointly request that this *inter partes* review be terminated, in light of the settlement of their dispute regarding the ’013 patent.

Termination of this proceeding is proper for at least the following reasons:

- The parties are jointly requesting termination. PTAB Consol. Trial Practice Guide 86 (Nov. 2019) (“There are strong public policy reasons to favor settlement between the parties to a proceeding.”). Both Congress and the federal courts have expressed a strong interest in encouraging settlement in litigation. *See, e.g., Delta Air Lines, Inc. v. August*, 450 U.S. 346, 352 (1981) (“The purpose of [Fed. R. Civ. P.] 68

is to encourage the settlement of litigation.”); *Bergh v. Dept. of Transp.*, 794 F.2d 1575, 1577 (Fed. Cir. 1986) (“The law favors settlement of cases.”), cert. denied, 479 U.S. 950 (1986). The Federal Circuit places a particularly strong emphasis on settlement. *See Cheyenne River Sioux Tribe v. U.S.*, 806 F.2d 1046, 1050 (Fed. Cir. 1986) (noting that the law favors settlement to reduce antagonism and hostility between parties). Here, no public interest or other factors weigh against termination of this proceeding.

- The Board has not yet “decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a); PTAB Consol. Trial Practice Guide 86 (“The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.”). Here, the IPR was instituted on September 26, 2023, Patent Owner filed its response to the petition and its Contingent Motion to Amend on December 19, 2023 (Due Date 1), Reflex filed its reply to Patent Owner’s response on March 12, 2024 (Due Date 2), and the Board has not yet decided the merits of the proceeding. No other party’s rights will be prejudiced by the termination of this *inter partes* review.

There are no other pending proceedings before the Board or any court related to the '013 Patent.

The settlement agreement between the parties has been made in writing, and a true and correct copy will be filed with this request as Confidential Exhibit 1025, consistent with the requirements of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Aside from the settlement agreement, the parties confirm that there are no other “collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of [the] *inter partes* review.” 35 U.S.C. § 317(b).

Therefore, the Parties respectfully submit that this motion to terminate the proceeding should be granted.

II. JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

Second, the parties jointly request that the settlement agreement filed as Confidential Exhibit 1025 be treated as business confidential information and be kept separate from the publicly available files of the involved patent. Section 317(b) provides that:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request,

or to any person on a showing of good cause.

Likewise, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:

- (1) To a Government agency on written request to the Board; or
- (2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed along with the Settlement Agreement, is timely and in accordance with the foregoing authority.

Therefore, the parties respectfully submit that this request for confidential treatment should be granted.

Date: August 29, 2024

Respectfully submitted,

By: /Scott T. Jarratt/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6, I hereby certify that on the date listed below, Joint Motion to Terminate and Request to Treat Settlement Agreement as Business Confidential Information was served on the Patent Owner by electronic mail to the following counsel of record for Patent Owner:

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Date: August 29, 2024

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