

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REFLEX USA LLC,
Petitioner,

v.

LONGYEAR TM, INC. and GLOBAL TECH CORPORATION PTY LTD.,
Patent Owner.

IPR2023-00642
Patent 10,830,013 B2

Before BENJAMIN D. M. WOOD, JEREMY M. PLENZLER, and
CYNTHIA L. MURPHY, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

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

With the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a joint motion to terminate the proceeding due to a settlement agreement, and a request that the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74. Paper 25 ("Joint Motion"). In support of the Joint Motion, the Parties filed a confidential "Deed of Settlement." Ex. 1025 ("Settlement Agreement").

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." Section 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 they have settled their dispute regarding the '013 patent, and seek termination of this proceeding in light of that settlement. Joint Motion 1. The parties further represent that the settlement agreement has been made in writing, and that Confidential Exhibit 1025, filed concurrently with the Joint Motion, is a true and correct copy of that agreement. *Id.* at 2. The Parties "confirm that there are no other 'collateral agreements referred to in [the Settlement Agreement] or understanding, made in connection with, or in contemplation of, the termination'" of this proceeding. *Id.* at 3. The Parties also represent that there are no other proceedings related to U.S. Patent No. 10,830,013. *Id.*

We instituted a trial on the above-identified proceeding on September 26, 2023. Paper 11. 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

adequately shown that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties' Joint Motion also requests that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the respective patents involved in this *inter partes* proceeding. Joint Motion at 3–4. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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

ORDER

Accordingly, it is:

ORDERED that the Joint Motion is *granted*, and that IPR2023-00642 is *terminated*;

FURTHER ORDERED that the Settlement Agreement (Ex. 1025) shall be treated as business confidential information, shall be kept separate from the files of U.S. Patent No. 10,830,013, and shall be 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).

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