

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INDUSTRIAL REVOLUTION, INC.,  
Petitioner,

v.

HUMANGEAR, INC.,  
Patent Owner.

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IPR2023-01174  
Patent 10,555,629 B2

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Before CARL M. DEFRANCO, ROBERT J. SILVERMAN, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial  
*37 C.F.R. § 42.74*

With our authorization, the parties filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72. Paper 12 (“Joint Motion to Terminate”). The parties assert that they “jointly move to terminate this *inter partes* review proceeding in light of the parties’ settlement of their dispute related to the subject patent, U.S. Pat. No. 10,555,629.” *Id.* at 1. The parties also represent that “a true copy of the related confidential Settlement Agreement” (Ex. 1012) is filed with the Joint Motion to Terminate. *Id.*

We have reviewed the Settlement Agreement (Ex. 1012), which indicates that it is the entire agreement between the parties pertaining to the present preliminary proceeding.

In a separate paper, the parties also “jointly request that the “confidential Settlement Agreement (Ex. 1012) be kept separate from the file of the patent involved in the *inter partes* review and be made available only on the showing of good cause or to Federal Government agencies on a written request,” pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 13 (Joint Request to File Settlement Agreement as Business Confidential Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)) (“Joint Request”).

The Board has not yet entered a decision on institution of a trial, and we determine that good cause exists to dismiss the Petition (Paper 2) and to terminate the preliminary proceeding. After reviewing the Settlement Agreement, we find that it contains confidential business information, and we determine that good cause exists to treat the Settlement Agreement as business confidential information.

Accordingly, it is

ORDERED that the Joint Motion to Terminate (Paper 12) is *granted*;

FURTHER ORDERED, that the Petition (Paper 2) is *dismissed* and the preliminary proceeding is *terminated*; and

FURTHER ORDERED, that Joint Request (Paper 13) is *granted*, whereby the confidential Settlement Agreement (Ex. 1012) is treated as business confidential information, kept separate from the file of the challenged patent, 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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