

Filed: January 16, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HID GLOBAL CORPORATION,
Petitioner,

v.

DATAMARS SA,
Patent Owner.

Case IPR2023-01445
Patent No. 11,128,027

JOINT MOTION TO TERMINATE PROCEEDING

I. INTRODUCTION

Petitioner HID Global Corporation and Patent Owner Datamars SA have entered an agreement that resolves all underlying disputes between the parties, including this proceeding. In an email dated January 16, 2024, the Board authorized the parties to file a joint motion to terminate this proceeding and a joint motion to file their settlement agreement as business confidential information.

As required by the Board, the parties are submitting a true copy of the settlement agreement as Exhibit 1029, along with this Joint Motion to Terminate Proceeding and a Joint Motion to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b).

The parties jointly certify that, aside from the settlement agreement, there are no collateral agreements or understandings made in connection with or in contemplation of terminating this proceeding. The settlement agreement filed as Exhibit 1096 supersedes any other agreements or term sheets that may relate to the termination of this proceeding. *See* 37 C.F.R. § 42.74(b).

II. RELIEF REQUESTED

Petitioner and Patent Owner jointly request that the Board terminate this proceeding in its entirety in view of the agreement the parties are filing. That agreement ends all patent disputes between the parties, including this 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 [Federal Rule of Civil Procedure] 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 U.S. Court of Appeals for the Federal Circuit also 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). Moreover, the Board generally expects that a proceeding will terminate after the filing of a settlement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 46,768 (Aug. 14, 2012).

Maintaining this proceeding after settlement between Patent Owner and Petitioner would discourage future settlements by removing a primary motivation for settlement: eliminating litigation risk by resolving the parties’ disputes and ending the pending proceedings between them. Termination upon settlement, as requested, would also further the purpose of *inter partes* review proceedings, which seek to provide an efficient and less costly alternative forum for patent disputes.

III. CONCLUSION

For the foregoing reasons, Petitioner and Patent Owner jointly request that the Board terminate this proceeding in its entirety.

Dated: January 16, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that the foregoing, **JOINT MOTION TO TERMINATE PROCEEDING** was served via e-mail on counsel of record for the Patent Owner on January 16, 2024, at the following addresses:

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Dated: January 16, 2024

/Lisa C. Hines/

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