

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHEMTRONICS USA, INC.,
Petitioner,

v.

FLATFROG LABORATORIES AB,
Patent Owner.

IPR2024-00013 (Patent 11,281,338 B2)
IPR2024-00014 (Patent 11,281,335 B2)
IPR2024-00015 (Patent 10,775,935 B2)¹

Before DANIEL J. GALLIGAN, SHEILA F. McSHANE, and
JOHN R. KENNY, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

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

¹ This Order addresses issues common to each of the above-captioned proceedings, so we issue one Order for all cases.

IPR2024-00013 (Patent 11,281,338 B2)
IPR2024-00014 (Patent 11,281,335 B2)
IPR2024-00015 (Patent 10,775,935 B2)

On September 4, 2024, with our authorization, Petitioner Chemtronics, USA Inc. and Patent Owner FlatFrog Laboratories AB filed, in each of the above-captioned proceedings, a Joint Motion to Terminate,² a copy of their settlement agreement,³ and a Joint Motion to keep the settlement agreement confidential.⁴ The parties represent that they “have entered into a written confidential agreement that fully resolves” these matters and that the filed settlement agreement “represents the entire agreement or understanding between the Parties made in connection with, or in contemplation of, the termination of” these proceedings. Paper 18, 2.

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.” The cases are in their early stages post-institution, Patent Owner has not yet filed responses in these proceedings, and we have not decided the merits of the proceedings. Under these circumstances and in view of the parties’ representations, we determine that it is appropriate to terminate these *inter partes* reviews. We also determine it is appropriate to treat the settlement agreement as business confidential information.

² Paper 18 in each proceeding.

³ IPR2024-00013, Ex. 2006; IPR2024-00014, Ex. 2003; IPR2024-00015, Ex. 2001.

⁴ Paper 19 in each proceeding.

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ORDER

Accordingly, it is

ORDERED that the Joint Motions to Terminate are granted, and the proceedings are terminated;

FURTHER ORDERED that the settlement agreement (IPR2024-00013, Ex. 2006; IPR2024-00014, Ex. 2003; IPR2024-00015, Ex. 2001) be treated as business confidential information and be kept separate from the files of the involved U.S. patents; and

FURTHER ORDERED this paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

IPR2024-00013 (Patent 11,281,338 B2)
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