

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NESPRESSO USA, INC.,
Petitioner,

v.

K-FEE SYSTEM GMBH,
Patent Owner.

IPR2024-00254 (Patent 11,465,829 B2)
IPR2024-00257 (Patent 11,548,722 B2)
IPR2024-00299 (Patent 11,554,910 B2)
IPR2024-00304 (Patent 11,465,830 B2)¹

Before GRACE KARAFFA OBERMANN, BENJAMIN D. M. WOOD,
JASON W. MELVIN, and AVELYN ROSS, *Administrative Patent Judges*.²

MELVIN, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial and
Granting Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ This Decision addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Decision to be entered in each proceeding. The parties are not authorized to use this heading.

² This listing of judges does not indicate an expanded panel for any of these four proceedings. The list reflects the names of the judges on one or more three-judge panels for the proceedings.

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I. INTRODUCTION

On May 28, 2025, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate *Inter Parties* Review (“Motion”) in each of the above-identified proceedings. Paper 29.³ The Parties received authorization for the Motions via email on May 20, 2025. Motion 1. The Parties also filed redacted and unredacted copies of a Settlement Term Sheet (Ex. 1084, “Settlement Term Sheet”) and a Joint Motion to Keep Confidential and Separate (Paper 30, “Request”) in each of the proceedings. On June 11, 2025, the Parties filed a Joint Notice indicating that they have completed a Settlement Agreement (Paper 31, “Joint Notice”), a copy of that Settlement Agreement (Ex. 1085), and a Request to keep the Settlement Agreement confidential (Paper 32, “Second Request”).

II. DISCUSSION

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.” It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Motions, the Parties represent that they have reached an agreement to resolve all of their present disputes regarding the following patents: 11,465,829; 11,548,722; 11,554,910; and 11,465,830. Motion 1–3.

³ For expediency, we cite to the Papers and Exhibits filed in IPR2024-00254, unless otherwise indicated. Similar Papers and Exhibits were filed in each of the other proceedings.

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The Parties further represent:

Pursuant to 37 C.F.R. § 42.74(b), the Parties acknowledge that, as of the filing of this Joint Motion to Terminate and the concurrent Joint Motion to Keep Confidential and Separate, Exhibit 1084 constitutes a binding agreement or understanding between the Parties made in connection with, or in contemplation of, the termination of this proceeding. Exhibit 1084 is a true and accurate copy of the Settlement Term Sheet entered into by the Parties to resolve the present proceeding. The Parties are in the process of preparing a written, confidential final settlement agreement that will effectuate the binding agreement reached in the Settlement Term Sheet. The Settlement Term Sheet fully resolves this matter and no other agreement currently exists between or among the Parties relating to this proceeding. Accordingly, the Settlement Term Sheet satisfies the requirements of 35 U.S.C. § 317(b).

Id. at 2–3. The Parties make similar statements in each of the Motions. In the Joint Notice, the Parties indicate that they have finalized the Settlement Agreement, and that there are no other agreements between the Parties regarding these proceedings. Joint Notice 1.

We instituted trial in the above-identified proceedings. Paper 8. We have not yet decided the merits of the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown adequately that termination of the proceedings is appropriate and that the Settlement Term Sheet and Settlement Agreement satisfy 35 U.S.C. § 317(b). Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

The Parties also requested that the Settlement Term Sheet and

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Settlement Agreement be treated as business confidential information and be kept separate from the files of the involved patents. Request 1, Second Request 1. After reviewing the two agreements, we find that the Settlement Term Sheet and Settlement Agreement contain confidential business information. We determine that good cause exists to treat the Settlement Term Sheet and Settlement Agreement 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).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Motions are *granted* and IPR2024-00254, IPR2024-00257, IPR2024-00299, and IPR2024-00304 are *terminated* with respect to Petitioner and Patent Owner, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Requests are *granted*, and the unredacted version of the Settlement Term Sheet (IPR2024-00254, Ex. 1084; IPR2024-00257, Ex. 1076; IPR2024-00299, Ex. 1076; IPR2024-00304, Ex. 1077) and Settlement Agreement (IPR2024-00254, Ex. 1085; IPR2024-00257, Ex. 1077; IPR2024-00299, Ex. 1077; IPR2024-00304, Ex. 1078) shall be kept separate from the files of Patent 11,465,829, Patent 11,548,722, Patent 11,554,910, and Patent 11,465,830 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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