

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROVISUR TECHNOLOGIES, INC.

Petitioner,

v.

WEBER FOOD TECHNOLOGY GMBH,

Patent Owner

Case IPR2024-00269
U.S. Patent No. 11,331,823

**JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW
OF U.S. PATENT 11,331,823
UNDER 37 C.F.R. § 42.72**

Pursuant to 37 C.F.R. § 42.72, Petitioner Provisur Technologies, Inc. and Patent Owner Weber Food Technology GmbH jointly request dismissal and termination of the petition for *Inter Partes* Review of U.S. Patent 11,331,823 in IPR2024-00269.

Petitioner and Patent Owner have reached agreement that fully resolves this matter. That agreement is memorialized in the document, concurrently filed as EX2010 along with a request to treat it as confidential business information pursuant to 35 U.S.C. § 317(b). The undersigned represent that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding and that EX2010 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On February 13, 2025, the parties informed the Board of the settlement via e-mail and requested authorization to file a joint motion to terminate the petition with respect to both the Patent Owner and the Petitioner. As set forth in an e-mail dated February 19, 2025, the Board authorized the filing of the requested joint motion to terminate this petition. Accordingly, Petitioner and Patent Owner jointly request termination of the present proceeding.

Public policy favors terminating the present petition for *inter partes* review. Congress and 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 [Fed. R. Civ. P.] 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 Federal Circuit 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). And, the Board’s Trial Practice Guide stresses that “[t]here are strong public policy reasons to favor settlement between the parties to a proceeding.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 46,768 (Aug. 14, 2012).

Ending this IPR early promotes the Congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs. *See Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*, 77 Fed. Reg. 48,680 (Aug. 14, 2012).

Permitting termination provides certainty and fosters an environment that promotes settlements, creating a timely, cost-effective alternative to litigation.

Additionally, termination of this petition for IPR is appropriate as the Board has not yet “decided the merits of the proceeding.” *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012).

Petitioner filed its petition for *inter partes* review on December 7, 2023. The Board issued an Institution Decision instituting this proceeding on June 13, 2024 (Paper 8). The parties have now resolved their dispute and have reached agreement to terminate this proceeding. The USPTO can conserve its resources through terminating now, removing the need for the Board to further consider the arguments and to render a Final Written Decision.

The parties note that the patent-at-issue has been withdrawn from district court litigation between the parties, is not being asserted or challenged in any other proceeding.

Therefore, the Parties respectfully request termination of this *Inter Partes* Review of U.S. Patent 11,331,823 (IPR2024-00269).

Dated: February 20, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that a true copy of the *Joint Motion To Terminate Inter Partes Review Of U.S. Patent 11,331,823 Under 37 C.F.R. § 42.72* was served via electronic mail on February 20, 2025, on the following lead and back-up counsel for Petitioner, Provisur Technologies, Inc.:

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