

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEMPUR SEALY INTERNATIONAL, INC., SEALY TECHNOLOGY
LLC, and SEALY MATTRESS MANUFACTURING CO., LLC,
Petitioner,

v.

PURPLE INNOVATION, LLC,
Patent Owner.

IPR2024-00482
Patent 11,317,733 B2

Before MEREDITH C. PETRAVICK, WILLIAM V. SAINDON, and
NEIL T. POWELL, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

Petitioner and Patent Owner (collectively, “the Parties”) filed a Joint Motion to Terminate the above-identified proceeding. Paper 6 (“Motion” or “Mot.”). In support of the Motion, the Parties filed a copy of a confidential Settlement and Patent License Agreement. Ex. 1022 (“Agreement”). The Parties also filed a Joint Request to File Settlement Agreement as Business Confidential Information pursuant to 37 C.F.R. § 42.74. Paper 7 (“Request”).

The Parties represent that they “have executed a confidential settlement agreement” (Mot. 2) and “have resolved all of their disputes relating to [U.S. Patent No. 11,317,733 B2], as set forth in [the Agreement]” (Mot. 3). The Parties also “certify that there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 2.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. We determine that good cause exists to dismiss the petition and terminate this proceeding.

Regarding the Parties’ Request, we find that the Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Agreement between Petitioner and Patent Owner as business confidential information pursuant to 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

It is:

ORDERED that the Motion is *granted*, and the petition in IPR2024-

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00482 is dismissed and this proceeding is *terminated*;

FURTHER ORDERED that the Request is *granted*, and the Agreement shall be kept separate from the files of Patent No. 11,317,733 B2 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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