

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LOCO CRAZY GOOD COOKERS, INC.,
Petitioner,

v.

NORTH ATLANTIC IMPORTS, LLC,
Patent Owner.

IPR2024-00642
Patent 10,660,473 B2

Before RICHARD H. MARSCHALL and ARTHUR M. PESLAK,
Administrative Patent Judges.

MARSCHALL, *Administrative Patent Judge.*

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

I. INTRODUCTION

With the Board’s authorization Petitioner Loco Crazy Good Cookers, Inc. and Patent Owner North Atlantic Imports, LLC filed a Joint Motion to Dismiss the above-identified proceeding due to settlement. Paper 23 (“Joint Motion”). In support of the Joint Motion, the parties filed a Settlement Agreement (Ex. 2012 (“Settlement Agreement”)), as well as a Joint Motion to keep the Settlement Agreement confidential and under seal pursuant to 35 U.S.C. § 317(b)¹ and 37 C.F.R. § 42.74. Paper 24.

II. DISCUSSION

In the Joint Motion, the parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true copy. Joint Motion 2. The parties further represent that their settlement agreement resolves their dispute regarding U.S. Patent No. 10,660,473 and that “[t]here are no other agreements or understandings between the parties made in connection with, or in contemplation of, the dismissal of this proceeding.” *Id.*

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

¹ Paper 24 indicates that the Motion is “[p]ursuant to 35 U.S.C. § 327(b).” Paper 24, 1. As this proceeding is an *inter partes* review proceeding, and 35 U.S.C. § 327(b) applies to post grant review proceedings, we assume the parties intend the Motion to be pursuant to 35 U.S.C. § 317(b), which applies to *inter partes* review proceedings.

We instituted trial on the above-identified proceeding on October 8, 2024. Paper 9. We have not yet decided the merits of the proceeding, and a final written decision has not been entered in the proceeding.

Notwithstanding that the proceeding has moved beyond the preliminary stage, the parties have shown adequately that termination of the proceeding is appropriate. Furthermore, there are strong public policy reasons to favor settlement between the parties to a proceeding. *Patent Trial and Appeal Board Consolidated Trial Practice Guide*, 84 Fed. Reg. 64,280 (Nov. 21, 2019). Under these circumstances, and based on the parties' representations, we determine that good cause exists to terminate the proceeding.

We also determine that the Settlement Agreement contains confidential business information regarding the terms of settlement and therefore determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner 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 Joint Motion to Dismiss (Paper 23) is *granted*, and IPR2024-00642 is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Motion to Keep Exhibit 2012 Confidential and Under Seal is *granted*, and the Settlement Agreement shall be kept separate from the files of the involved patents, 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.

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§ 42.74(c)

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PETITIONER:

James Murphy

Patrick Muffo

POLSINELLI, PC

jpmurphy@polsinelli.com

pmuffo@polsinelli.com

PATENT OWNER:

Nicholas Lagerwall

Jared Braithwaite

FOLEY & LARDNER LLP

nlagerwall@foley.com

jbraithwaite@foley.com