

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERSECT ENT, INC.,
Petitioner,

v.

NEW AMSTERDAM, LLC,
Patent Owner.

IPR2024-00713
Patent 6,916,483

Before ERICA A. FRANKLIN, MICHAEL J. FITZPATRICK, and
JOHN G. NEW, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively referred to as “the Parties”) filed a Corrected Joint Motion to Terminate the above-identified *inter partes* review proceeding due to settlement (“Joint Motion”). Paper 8. In support of the Joint Motion, the Parties filed a Non-Exclusive Patent License and Settlement Agreement (Ex. 1020 (“Settlement Agreement”)),¹ as well as a Corrected Joint Request to File Settlement Agreement as Business Confidential Information pursuant to 37 C.F.R. § 42.74(c) (Paper 9 (“Joint Request”)), in the above-identified proceeding.

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 and complete copy. Joint Motion 1–3. The Parties further represent that the Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above identified patent at issue. *Id* at 2–3.

The above-identified proceeding is at an early stage, and we have not yet decided whether to institute trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we grant the request to terminate the above-identified proceeding.

We next turn to the Parties’ Joint Request to File Settlement Agreement as Business Confidential Information. Joint Request 1. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the

¹ The Settlement Agreement was entered between New Amsterdam, LLC and real party in interest Medtronic, Inc. *See* Paper 8, 2.

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terms of settlement. We determine that good cause exists to treat the Settlement Agreement 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

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is *granted*; therefore the proceeding in IPR2024-00713 is *terminated*; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information is *granted*, therefore the Settlement Agreement for IPR2024-00713 shall be kept separate from the file of U.S. Patent 6,916,483, and the Settlement Agreement shall be 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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