

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NULIDS, LLC,
Petitioner,

v.

BLEPHEX, LLC,
Patent Owner.

IPR2024-00764
Patent 11,083,621 B2

Before JOSIAH C. COCKS, MEREDITH C. PETRAVICK, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

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

I. INTRODUCTION

On April 3, 2024, NuLids LLC. filed a Petition requesting *inter partes* review of U.S. Patent No. 11,083,621 owned by BlephEx, LLC. *See* Paper 1 (“Petition”); Paper 5 (BlephEx’s Mandatory Notices). On July 23, 2024, the parties filed a “Joint Motion to Terminate Pursuant to 35 U.S.C. § 317” (“Joint Motion”). Paper 8. The parties also filed a “Joint Request to Maintain Confidentiality Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.” Paper 9.

We grant the Joint Motion, and, as a result, we dismiss the Petition and terminate this proceeding.

II. DISCUSSION

The parties express that they have “agreed to settle their disputes and have reached a written agreement (the ‘Settlement Agreement’) to terminate IPR2024-00764.” Joint Motion 3. The Settlement Agreement appears in the record as Exhibit 1013. Thus, the parties have complied with 35 U.S.C. § 317(b) and C.F.R. § 42.74(b). There are strong public policy reasons to favor settlement between parties to a proceeding, and the Board generally expects that a proceeding will terminate after the filing of a settlement agreement. *See* Consolidated Trial Practice Guide (“CTPG”)¹ 86. Additionally, we have not instituted trial in this proceeding. Thus, this proceeding is in its initial stages.

Under the above-noted circumstances, we determine that it is appropriate to dismiss the Petition and terminate this proceeding. *See* 37 C.F.R. §§ 42.5(a), 42.71(a).

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

III. ORDER

It is

ORDERED that the parties' Joint Motion to Terminate (Paper 8) is *granted*, and, as a result, the Petition is dismissed and this proceeding is terminated; and

FURTHER ORDERED that, as was requested timely by the parties (Paper 9), the settlement agreement (Ex. 1013) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and be kept separate from the file of the involved patent.

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