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Paper 15
Entered: February 4, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DYSON TECHNOLOGY LTD. AND DYSON, INC.,

Petitioner,

v.

OMACHRON INTELLECTUAL PROPERTY INC.,
Patent Owner.

IPR2024-00854
Patent 10,478,030 B2

Before ERIC C. JESCHKE, MATTHEW S. MEYERS, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL*, Administrative Patent Judge*.

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

I. INTRODUCTION

On February 3, 2025, with the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Joint Motion to Terminate Proceeding ("Joint Motion") (Paper 13), as well as a Joint Request For Settlement Agreement to be Treated as Business Confidential Information and Be Kept Separate ("Joint Request") (Paper 14). In support of the Joint Motion and Joint Request, the Parties filed a copy of a Confidential License Agreement ("Agreement") (Ex. 1015).

II. DISCUSSION

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.

In the Joint Motion, the Parties represent that they "have reached a settlement as to all the disputes in this proceeding and as to the '030 patent." Joint Motion 2. The Parties further represent that the Agreement is a true copy and that is "the only agreement, and there are no other agreements, written or oral, between or among the parties made in connection with, or in contemplation of, the dismissal of the proceeding." *Id.* at 3.

We instituted a trial in this proceeding on November 12, 2024. Paper 8. Even though this proceeding has moved beyond the preliminary stage, we have not yet decided the merits, and the Parties have adequately shown that termination of the proceeding is appropriate. Under

these circumstances, we determine that good cause exists to terminate the proceeding.

In the Joint Request, the Parties "request that the Board treat as business confidential information, the true and complete copy of the Settlement Agreement (Confidential Exhibit 1015) between the parties, as referenced in the parties' Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, filed concurrently herewith." Joint Request 1.

After review, we find that the Agreement contains business confidential information regarding the terms of settlement. We determine that good cause exists to treat the Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

In the Joint Request, the Parties also

> request that they be notified if and when the Board receives and/or considers a request for access to the settlement agreement and be offered an opportunity to respond to any such request. *See Arista Networks, Inc. v. Castlemorton Wireless, LLC*, IPR2020-00986 Pap. 7, 4 (PTAB Oct. 28, 2020).

Joint Request 2.

In the event that a request is made to make the settlement agreement available, the course of action, including whether to allow argument by the parties can be determined at that time. Further, our regulations do not require the Board to serve any written requests for the settlement agreement on the parties. We therefore decline to issue an order mandating such action. Thus, the parties request is denied.

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 is *granted*, and IPR2024-00854 is *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request is *granted-in-part*, and the Agreement shall be kept separate from the files of Patent 10,478,030 B2, and be 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. § 42.74(c).

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