

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIMESOURCE BUILDING PRODUCTS, INC.,
Petitioner,

v.

NATIONAL NAIL, CORP.,
Patent Owner.

IPR2024-01100
Patent 10,378,218 B2

Before MITCHELL G. WEATHERLY, RICHARD H. MARSCHALL, and
JASON W. MELVIN, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

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

The parties have requested that this proceeding be terminated pursuant to a settlement. On November 20, 2024, we authorized the parties via e-mail to file a joint request to terminate this proceeding and to file the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). The parties filed their joint motion on November 21, 2024. Paper 6. With

their joint motion to terminate, the parties also filed a joint request to keep their written settlement agreement confidential along with a copy of that settlement agreement. Paper 7 (filed concurrently with Ex. 1015 (“Settlement Agreement”)).

We have not instituted trial in this proceeding. The parties indicate that they have agreed to resolve all disputes between them related to the challenged patent that are pending before the Office and the District Court in the related litigation. Paper 7, 3–5. Under these circumstances, we determine that it is appropriate to terminate the proceeding.

We find that the Settlement Agreement contains confidential business information regarding the terms of settlement. Accordingly, we determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Accordingly, it is:

ORDERED that the Joint Motion to Terminate *Inter Partes* Review of U.S. Patent No. 10,378,218 under 35 U.S.C. § 317 and 37 C.F.R. § 42.72 (Paper 6) is *granted*;

FURTHER ORDERED that the Joint Request to Treat as Confidential and Keep Separate Pursuant to 37 C.F.R. § 42.74(c) (Paper 7) is *granted*; and

FURTHER ORDERED that the Settlement Agreement (Ex. 1015) shall be treated as business confidential information and kept separate from the public record.

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PETITIONER:

Chad C. Walters
Samir A. Bhavsar
Matthew D. Chuning
BAKER BOTTS, L.L.P.
chad.walters@bakerbotts.com
matthew.chuning@bakerbotts.com
samir.bhavsar@bakerbotts.com

PATENT OWNER:

R. Michael Azzi
Vito A. Ciaravino
WARNER NORCROSS + JUDD LLP
mazzi@wnj.com
vciaravino@wnj.com