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Paper No. 18
Filed: May 22, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIKE, INC.,
Petitioner,

v.

SHERRYWEAR LLC,
Patent Owner.

IPR2024-01122 (Patent 9,289,016 B1)
IPR2024-01123 (Patent 9,295,288 B1)
IPR2024-01124 (Patent 9,723,878 B1)
IPR2024-01125 (Patent 9,808,036 B1)
IPR2024-01126 (Patent 10,219,550 B1)
IPR2024-01127 (Patent 10,219,551 B1)
IPR2024-01128 (Patent 10,244,800 B1)
IPR2024-01129 (Patent 10,869,510 B1)

Before MEREDITH C. PETRAVICK, CARL M. DEFRANCO, ZHENYU YANG, and JON M. JURGOVAN, *Administrative Patent Judges.*[1]

PETRAVICK, *Administrative Patent Judge.*

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

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[1] We exercise discretion to enter a common order in these proceedings and, thus, list all judges paneled on these proceedings. The panel in each of the proceedings, however, has not been expanded. The parties are not authorized to use this caption style.

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner filed Joint Motions to Terminate the above-identified proceedings due to settlement. Paper 19[2] ("Joint Motions"). In support of the Joint Motions, the parties filed a Confidential Settlement Agreement (Ex. 2069 ("Settlement Agreement")), as well as a Joint Requests that the Settlement Agreement be treated as business confidential information and be kept separate (Paper 20 ("Joint Requests")) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. DISCUSSION

In the Joint Motions, the parties represent that true copies of the Settlement Agreement have been filed as exhibits, in accordance with

[2] For convenience, we cite solely to papers in IPR2024-01122, but similar papers are filed in IPR2024-001123 (Papers 21, 22; Ex. 2067), IPR2024-001124 (Papers 20, 21; Ex. 2069), IPR2024-001125 (Papers 19, 20; Ex. 2067), IPR2024-001126 (Papers 18, 19; Ex. 2068), IPR2024-001127 (Papers 20, 21; Ex. 2071), IPR2024-001128 (Papers 18, 19; Ex. 2071), and IPR2024-001129 (Papers 16, 17; Ex. 2071).

We note that the parties filed an original (Paper 19) and a corrected version (Paper 21) of the Joint Motion in IPR2024-01124. To avoid any confusion, we have expunged Paper 19 from the record of IPR2024-01124.

35 U.S.C. § 317 and 37 C.F.R. § 42.74. Paper 19, 2; Ex. 2069. The parties indicate that they have settled their dispute and that all related litigation has also been settled. *Id.* at 2–3.

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.

We instituted a trial on these proceedings on or about February 10, 2025. Paper 11. We have not yet decided the merits of the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the parties have shown adequately that the termination of the proceedings is appropriate. Under these circumstances, we determine that it is appropriate to terminate the proceedings with respect to the parties.

After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We 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 Motions to Terminate are *granted*, and IPR2024-01122, IPR2024-001123, IPR2024-001124, IPR2024-001125, IPR2024-001126, IPR2024-001127, IPR2024-001128, and IPR2024-001129 are *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 Requests to treat the Settlement Agreement as business confidential information are *granted*, and the Settlement Agreement shall be kept separate from the files of Patent 9,289,016 B1, Patent 9,295,288 B1, Patent 9,723,878 B1, Patent 9,808,036 B1, Patent 10,219,550 B1, Patent 10,219,551 B1, Patent 10,244,800 B1, and Patent 10,869,510 B1 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. § 42.74(c).

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