

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CURTIS INDUSTRIES, LLC,
Petitioner,

v.

B&D TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-01150
Patent 10,632,815 B2

Before MITCHELL G. WEATHERLY, JASON W. MELVIN, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

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

Petitioner (Curtis Industries, LLC) and Patent Owner (B&D Technologies, LLC) indicate that they have agreed to settle the above-identified *inter partes* review proceeding. The Board authorized the parties to file a joint motion to terminate the proceeding on January 17, 2025.

On January 21, 2025, pursuant to 37 C.F.R. § 42.74 and 35 U.S.C. § 317(a), the parties filed a Joint Motion to Terminate this proceeding (Paper 9 (“Joint Motion”)) and a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 10 (“Joint Request”)), along with a copy of the confidential Settlement Agreement (Ex. 1024 (“Settlement Agreement”)). The parties describe the filed agreement as “a true and correct copy” of the Settlement Agreement.” Joint Motion, 4. The parties further represent that “there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the present *inter partes* review.” *Id.* The parties submit that they “have settled their dispute” and have also “filed with-prejudice dismissal papers on January 21, 2025, for all asserted claims and counterclaims” in the related district-court proceeding, *B & D Technologies, LLC v. Curtis Industries, LLC*, 4-23-cv-11479 (D. Mass.). *Id.* at 4–5.

The above-identified proceeding is at an early stage, and we have not yet decided whether to institute a trial in this proceeding. There are strong public policy reasons to favor settlement between the parties to a proceeding. *Patent Trial and Appeal Board Consolidated Trial Practice Guide*, 84 Fed. Reg. 64,280 (Nov. 21, 2019). Due to the early stage of the proceeding and the parties’ settlement and representations, we find that good cause exists to terminate this proceeding and dismiss the petition without rendering a decision on institution. Accordingly, we *grant* the Joint Motion.

The parties also “jointly request to treat as business confidential information, and to keep separate from the file of the involved patent, the true and complete copy of the Settlement Agreement (Confidential Exhibit 1024).” Joint Request, 1. We have reviewed the Settlement Agreement, which contains confidential business information regarding the terms of settlement, and we determine that good cause exists to treat the Settlement Agreement as business confidential information and to keep it separate from the files of the respective patent involved in the above-identified proceeding pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Accordingly, we *grant* the Joint Request.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is:

ORDERED that the Joint Motion to terminate the above-identified proceeding (Paper 9) is *granted*, the Petition is *dismissed*, and IPR2024-01150 is *terminated*;

FURTHER ORDERED that the Joint Request (Paper 10) is *granted*, and the Settlement Agreement (Ex. 1024) shall be treated as business confidential information, shall be kept separate from the file of the involved patent (US 10,632,815 B2), and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that Exhibit 1024 shall remain designated as “Parties and Board Only” in the Board’s P-TACTS system.

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