

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HONDA MOTOR CO., LTD. and
AMERICAN HONDA MOTOR CO., INC.,
Petitioner,

v.

INFOGATION CORPORATION,
Patent Owner.

IPR2024-01160
Patent 6,292,743 B1

Before BART A. GERSTENBLITH, ERIC C. JESCHKE, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
Granting Joint Motion to Dismiss
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. § 42.74

I. DISCUSSION

Honda Motor Co., Ltd. and American Honda Motor Co., Inc. (“Petitioner”) and Infogation Corporation (“Patent Owner”) filed (1) a Joint Motion to Dismiss *Inter Partes* Review Before Institution (Paper 5 (“Mot.”)) based on a settlement agreement between those entities, (2) a true copy of their written settlement agreement (Ex. 1039), and (3) a Joint Request to Keep Separate (Paper 6). The parties indicate that they have settled all the disputes in this proceeding and jointly move to dismiss the proceeding. Mot. 2. The parties filed what they represent is a true and correct copy of their written settlement agreement and indicate that it resolves this proceeding. *Id.* at 2–3 (referring to Ex. 1039).

Generally, the Board expects that a proceeding will terminate with respect to a petitioner after the filing of a settlement agreement. *See* 35 U.S.C. § 317(a) (“An 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.”); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a)”); *see also* Patent Trial and Appeal Board Consolidated Trial Practice Guide at 86 (Nov. 2019)¹ (“The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” (citing 35 U.S.C. §§ 317(a), 327)). Here, the merits of the proceeding have not yet

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

been decided. Accordingly, we are persuaded that, under these circumstances, dismissal of this proceeding is appropriate.

Additionally, we grant the Joint Request to treat Exhibit 1039 as business confidential information. *See* 35 U.S.C. § 317(b) (“At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.”); *see also* 37 C.F.R. § 42.74(c) (same).

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

II. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Dismiss (Paper 5) is *granted*;

FURTHER ORDERED that the Joint Request to Keep Separate (Paper 6) is *granted*;

FURTHER ORDERED that the settlement agreement (Ex. 1039) be treated as business confidential information, kept separate from the file of the above-referenced patent, 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); and

FURTHER ORDERED that this proceeding is dismissed.

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