

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HARTMANN US INC. and THE HAPPY GROUP INC.,
Petitioner,

v.

MAURICE J.P. TABONE,
Patent Owner.

IPR2024-01215 (Patent 11,225,365 B2)
IPR2024-01216 (Patent 11,225,365 B2)¹

Before HYUN J. JUNG, FRANCES L. IPPOLITO, and AMEE A. SHAH,
Administrative Patent Judges.

JUNG, *Administrative Patent Judge.*

DECISION

Granting Joint Motion to Terminate Proceedings Due to
Settlement before Institution and
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. § 42.74

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceedings be terminated pursuant to a settlement. On October 14, 2024, the Parties filed a Joint Motion to Terminate *Inter Partes* Review in each of the above-identified proceedings (“Joint Motion”). Paper 8.² The Parties previously sought authorization to file the Joint Motion and received that authorization via email on October 7, 2024. Joint Motion 2. The Parties also filed copies of a settlement agreement (Ex. 1040, “Settlement Agreement”) and filed a Joint Request to Treat Settlement Agreement as Business Confidential Information and Be Kept Separate Under 35 U.S.C. § 317(b) (Paper 9, “Joint Request”) in each of the above-identified proceedings.

II. DISCUSSION

In the Joint Motions, the Parties represent that they have reached an agreement that settles all disputes between them regarding U.S. Patent No. 11,225,365 B2, the Settlement Agreement “is the sole and entire agreement between Petitioners and Tabone made in connection with, or in contemplation of, terminating the co-pending litigation and this IPR proceeding,” “there are no other collateral agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the co-pending litigation and this IPR proceeding,” and that the filed copy of the Settlement Agreement is a true and accurate copy. Joint Motion 1–2.

We have not yet instituted a trial on the above-identified proceedings,

² For efficiency, we refer to Papers and Exhibits filed in IPR2024-01215. Similar Papers and Exhibits were filed in IPR2024-01216.

IPR2024-01215 (Patent 11,225,365 B2)

IPR2024-01216 (Patent 11,225,365 B2)

and have not reviewed the merits of the proceedings. The Parties have shown adequately that termination of the proceedings is appropriate. Joint Motion 2–3. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

The Parties also requested that the Settlement Agreement be treated as business confidential information and be kept separate from the file of U.S. Patent No. 11,225,365 B2. Joint Request 2. After reviewing the Settlement Agreement, 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 the Parties as business confidential information pursuant to 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 Motion is *granted*, and IPR2024-01215 and IPR2024-01216 are *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the file of U.S. Patent No. 11,225,365 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

IPR2024-01215 (Patent 11,225,365 B2)

IPR2024-01216 (Patent 11,225,365 B2)

For PETITIONER:

Eugene Goryunov

Vincent K. Shier

Jonathan R. Bowser

HAYNES AND BOONE, LLP

eugene.goryunov.ipr@haynesboone.com

vincent.shier.ipr@haynesboone.com

jon.bowser.ipr@haynesboone.com

For PATENT OWNER:

Maurice J P Tabone

mauricetabone@gmail.com