

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

3SHAPE A/S and 3SHAPE INC.,
Petitioner,

v.

MEDIT CORPORATION,
Patent Owner.

IPR2024-01260 (Patent 7,912,257 B2)
IPR2024-01265 (Patent 9,262,864 B2)
IPR2024-01266 (Patent 9,262,864 B2)
IPR2024-01268 (Patent 9,191,648 B2)
IPR2024-01276 (Patent 9,245,374 B2)¹

Before JAMES J. MAYBERRY, JASON W. MELVIN, and
AARON W. MOORE, *Administrative Patent Judges*.

PER CURIAM

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

¹ This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. Unless otherwise authorized, the parties shall not use this heading style in any subsequent papers.

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INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate the above-identified proceedings due to settlement. Paper 7 (“Joint Motion”).² In support of the Joint Motion, the Parties filed a Confidential Settlement Agreement (Ex. 1020 (“Settlement Agreement”)), as well as a Joint Request to Keep Settlement Agreement as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8 (“Joint Request”)).

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true and complete copy and that “[t]here are no other collateral agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.” Joint Motion, 2. The Parties further represent that “the parties have reached an agreement resolving their entire dispute involving the patent at issue in this *inter partes* review, including the co-pending District Court proceedings between the Parties.” *Id.* at 1.

² Unless otherwise noted, Paper and Exhibit numbers herein refer to IPR2024-01260. Similar papers and exhibits were filed in IPR2024-01265, IPR2024-01266, IPR2024-01268, and IPR2024-01276.

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These proceedings are at an early stage, and we have not yet decided whether to institute a trial in any of these proceedings. In view of the early stage of the proceedings and the settlement between the Parties, we determine that good cause exists to dismiss the petitions and terminate the proceedings with respect to the Parties.

The Parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patents involved in these *inter partes* proceedings. Paper 8. 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 37 C.F.R. § 42.74(c).

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

Accordingly, for the reasons discussed above, it is:

III. ORDER

ORDERED that the Joint Motion to Terminate is *granted*, and the petitions in IPR2024-01260, IPR2024-01265, IPR2024-01266, IPR2024-01268, and IPR2024-01276 are *dismissed* and the proceedings are *terminated*;

FURTHER ORDERED that the Joint Request to Treat the Settlement

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IPR2024-01276 (Patent 9,245,374 B2)

Agreement as Business Confidential Information is *granted*, and the Settlement Agreement (Ex. 1020 in each proceeding) shall be kept separate from the files of Patent 7,912,257 B2, Patent 9,262,864 B2, Patent 9,191,648 B2, and 9,245,374 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).

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FOR PETITIONER:

Todd R. Walters
Roger H. Lee
Andrew R. Cheslock
Mythili M. Markowski
BUCHANAN INGERSOLL & ROONEY PC
todd.walters@bipc.com
roger.lee@bipc.com
andrew.cheslock@bipc.com
mythili.markowski@bipc.com

FOR PATENT OWNER:

W. Karl Renner
Hyun Jin In
FISH & RICHARDSON P.C.
axf-ptab@fr.com
in@fr.com