

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION,
Petitioner,

v.

CROGA INNOVATIONS LTD.,
Patent Owner.

IPR2025-00379
Patent 11,178,104 B2

Before THOMAS L. GIANNETTI, TERRENCE W. McMILLIN, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to Terminate the above-identified proceeding due to settlement. Paper 7 ("Joint Motion"). In support of the Joint Motion, the Parties filed a Confidential Non-Exclusive Patent License and Settlement Agreement (Ex. 1016) ("Settlement Agreement"), as well as a Joint Request to Treat Settlement Agreement and Patent Agreement as Business Confidential Information (Paper 8 ("Joint Request")).

II. DISCUSSION

In the Joint Motion, the Parties represent that they "have reached a settlement as to all the disputes in this proceeding and as to the '104 patent." Joint Motion 4. The Parties also indicate that the Settlement Agreement "represent[s] all agreements made in connection with, or in contemplation of, the termination of this proceeding," and that Exhibit 1016 is "[a] true copy of the Settlement Agreement." *Id.*

This proceeding is at an early stage, and we have not yet decided whether to institute a trial. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the petition and terminate this proceeding with respect to the Parties.

In the Joint Request, the Parties represent that the Settlement Agreement "contains confidential commercial and financial information of the Settling Parties." Joint Request 2. The Parties request that the Settlement Agreement "be treated as business confidential information" and "be maintained separate from the publicly available file of the involved

patent.” *Id.* at 3. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

The Parties also “request that the Board inform us if anyone seeks production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause.” *Id.* at 3–4. We have no such procedure for serving parties and receiving responses to requests to access business confidential information, and, further, our regulations do not require us to do so. Therefore, we decline to issue an order regarding notification and response upon receiving access requests for the Settlement Agreement.

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

III. ORDER

For the reasons given, it is

ORDERED that the Joint Motion is *granted*, the Petition in IPR2025-00379 is *dismissed*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement (Ex. 1016) shall be kept separate from the file of Patent 11,178,104 B2, and be 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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