

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTORTECH GMBH and MOTORTECH AMERICAS, LLC,
Petitioner,

v.

ALTRONIC, LLC,
Patent Owner.

IPR2025-00398
Patent 7,401,603 B1

Before BENJAMIN D. M. WOOD, JASON J. CHUNG,
and KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION

Settlement Prior to Institution of Trial
35 U.S.C. § 317(a); 37 C.F.R. §42.74

I. INTRODUCTION

With the Board’s authorization, Petitioner MOTORTECH GMBH and MOTORTECH AMERICAS, LLC (“Petitioner”) filed an Unopposed Motion to Terminate *Inter Partes* Review pursuant to 35 U.S.C. 317(a) and 37 C.F.R. § 42.74. Paper 7 (“Motion”); Ex. 3001. Petitioner states that the Motion is unopposed. Motion 2.¹ In support of the Motion, Petitioner filed a corresponding Settlement Agreement and Mutual Release, Ex. 1100 (“Settlement Agreement”), as well as a corresponding Unopposed Motion to Treat Settlement Agreement as Business Confidential Information and Keep Separate pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b)-(c). Paper 8 (“Request”). Petitioner states that the Request is unopposed. Request 2.²

II. DISCUSSION

Petitioner states that no decision granting or denying institution has been entered and that the parties’ dispute has been resolved pursuant to the Settlement Agreement. Motion 2–3. Further, Petitioner represents that the Settlement Agreement is a “true and correct copy” and “there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review.” *Id.* at 3.

This proceeding is still in its preliminary stages. We have not entered a decision on whether to institute *inter partes* review. In view of the early stage of the proceeding and the settlement between the parties, we determine that good cause exists to terminate this proceeding.

¹ The Motion does not include page numbers. We consider the caption page as page 1 and then proceed from there in numerical order.

² The Request does not include page numbers. We consider the caption page as page 1 and then proceed from there in numerical order.

In the Request, Petitioner requests that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the patent involved in this *inter partes* proceeding. 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 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

In consideration of the foregoing, it is hereby

ORDERED that the Unopposed Motion to Terminate *Inter Partes* Review (Paper 7) is *granted*, and the above-identified proceeding is *terminated*; and

FURTHER ORDERED that the Unopposed Motion to Treat Settlement Agreement as Business Confidential Information and Keep Separate (Paper 8) is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 7,401,603 B1 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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