

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EUNSUNG GLOBAL CORP.,
Petitioner,

v.

HYDRAFACIAL LLC,
Patent Owner.

IPR2025-00452 (Patent 12,053,607 B2)
IPR2025-00453 (Patent 11,446,477 B2)¹

Before ERIC C. JESCHKE, CYNTHIA M. HARDMAN, and
JAMIE T. WISZ, *Administrative Patent Judges*.

JESCHKE, *Administrative Patent Judge*.

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

¹ Because this Order addresses issues common to both proceedings, we issue one Order to be entered in each proceeding. The parties are not authorized to use this caption.

IPR2025-00452 (Patent 12,053,607 B2)

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BACKGROUND

Petitioner, Eunsung Global Corporation, filed a petition in each of these proceedings. IPR2025-00452, Paper 2; IPR2025-00453, Paper 2. Patent Owner, HydraFacial LLC, timely filed preliminary responses. IPR2025-00452, Papers 9 & 10; IPR2025-00453, Papers 9 & 10. The Board has not issued a decision on institution in either proceeding.

With the Board's prior authorization (Ex. 3001)², the parties filed three documents in each proceeding: (1) a Joint Motion to Terminate (Paper 16 (the "Motion" or "Mot.")); (2) a Joint Request to Treat Settlement Agreement as Business Confidential Information and to Keep Separate From the Patent Files (Paper 17 (the "Request" or "Req.")); and (3) a true copy of the settlement agreement made in connection with the termination of this proceeding (Ex. 2073 (the "Agreement")). Upon consideration of the arguments presented and for the reasons below, we *grant* the Motions, *grant* the Requests, and *terminate* these proceedings.

DISCUSSION

A. Joint Motions to Terminate

Under the applicable regulations, the parties may agree to settle any issue in a proceeding. 37 C.F.R. § 42.74(a) (2024). In addition, "[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial." 37 C.F.R. § 42.74(b).

² Similar papers were filed in both proceedings. For the remainder of this Decision, we cite to papers and exhibits in IPR2025-00452 only.

In the Motions, the parties state that they have settled their disputes and have reached a written agreement that resolves the disputes in these proceedings as well as the disputes in all other matters between the parties relating to the patents involved in these proceedings. Mot. 1; *see* 35 U.S.C. § 317(b) (requiring that “[a]ny agreement or understanding between the patent owner and a petitioner . . . made in connection with, or in contemplation of, the termination of an *inter partes* review . . . shall be in writing”). The parties further represent that the Agreement is a true copy and that “[n]o other such agreements, written or oral, exist between or among the parties.” Mot. 2.

Because the parties have satisfied the requirements to terminate the proceedings based on settlement, we *grant* the Motions and *terminate* these proceedings.

*B. Joint Requests to Treat Settlement Agreement
as Business Confidential Information*

The parties request that the Agreement (1) “be maintained as business confidential information” and (2) “be kept separate from the file[s] of the patent[s] involved in th[ese] *inter partes* review[s] and be made available only on the showing of good cause or to Federal Government agencies on a written request, as reflected in 37 C.F.R. § 42.74(c).” Req. 1; *see* Mot. 2 (similar). After reviewing the Agreement between Petitioner and Patent Owner, we find that the Agreement contains confidential business information regarding the terms of settlement. We thus treat the Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), to be kept separate from the files of the involved patents.

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

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*C. Sua Sponte Authorization to File a
Motion to Expunge Confidential Information*

To address the confidential information in the record in these proceedings, we *sua sponte* authorize Patent Owner to file a motion to expunge its confidential information from the records. *See* 37 C.F.R. § 42.56. Any motion to expunge must be filed within 30 days of issuance of this Decision.

ORDER

Accordingly, it is hereby:

ORDERED that the Joint Motions are *granted*, and these two proceedings are *terminated* with respect to all parties;

FURTHER ORDERED that the Joint Requests to Treat Settlement Agreement as Business Confidential Information and to Keep Separate From the Patent Files are *granted*;

FURTHER ORDERED that the Settlement Agreement (Ex. 2073 in each proceeding) (1) shall be treated as business confidential information; (2) shall be kept separate from the files of U.S. Patent No. 12,053,607 B2 and U.S. Patent No. 11,446,477 B2; and (3) shall be made available only to Federal Government agencies on written request to the Board, or to any person on a showing of good cause; and

FURTHER ORDERED that Patent Owner is *authorized* to file a motion to expunge confidential information in these proceedings within 30 days of issuance of this Decision.

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