

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STANLEY BLACK & DECKER, INC.,
Petitioner,

v.

VIKING ARM AS,
Patent Owner.

IPR2025-00665
Patent 11,554,473 B2

Before BENJAMIN D. M. WOOD, MITCHELL G. WEATHERLY, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization (Ex. 3001), Petitioner filed an "Unopposed Motion to Dismiss/Terminate under 37 C.F.R. § 42.5 and/or 42.74." Paper 6 ("Motion" or "Mot."). In support of the Motion, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Patent License Agreement and Settlement (Ex. 1011, "Settlement Agreement"), and a "Joint Request that Settlement Agreement (Exhibit 1011) Be Treated as Business Confidential Information and Be Kept Separate" (Paper 7, "Joint Request" or "Req.").

II. DISCUSSION

In the Motion, Petitioner represents that it filed the Motion pursuant to the Parties' confidential settlement agreement, and that Patent Owner does not oppose the Motion. Mot. 2. The Settlement Agreement indicates that the Parties wish to settle the current proceeding.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. 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 the proceeding with respect to the Parties.¹

¹ Petitioner asks that its Petition be dismissed "without prejudice." Mot. 2. Although a Federal District-Court action may be dismissed without prejudice (*see* Fed. R. Civ. Pro. 41), we are unable to find any statutory or regulatory basis for designating a dismissal of a Petition for *Inter Partes* Review as "without prejudice." Nor are we aware of any precedential or informative Board decisions addressing such a dismissal. Thus, we decline to designate our dismissal of the Petition as "without prejudice." As we state below, this Order does not constitute a final written decision. Any subsequently filed petition would be considered under the applicable statutes, regulations, and Office directives.

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 patent involved in this proceeding. Paper 7. 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).

III. ORDER

In view of the above, it is

ORDERED that the Motion is *granted* to the extent that the Petition in IPR2025-00665 is *dismissed* and the proceeding is *terminated* pursuant to 37 C.F.R. § 42.74;

FURTHER ORDERED that the Joint Request that Settlement Agreement (Exhibit 1011) Be Treated as Business Confidential Information and Be Kept Separate (Paper 7) is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 11,554,473 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).

IPR2025-00665
Patent 11,554,473 B2

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