UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KAVO DENTAL TECHNOLOGIES, LLC,
Petitioner,

v.

OSSEO IMAGING, LLC,
Patent Owner.

IPR2020-00659 (Patent 8,498,374 B2)
IPR2020-00671 (Patent 6,381,301 B1)
IPR2020-00672 (Patent 6,944,262 B2)[1]

Before GEORGIANNA W. BRADEN, NABEEL U. KHAN, and SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

[1] This Order applies to each of the above-identified proceedings. We exercise our discretion to issue one Order to be docketed in each proceeding. The parties, however, are not authorized to use this caption for any subsequent papers.

I. INTRODUCTION

On August 20, 2020, Petitioner and Patent Owner ("Parties") filed a Joint Motion to Terminate Proceeding in each of the above-identified proceedings ("Motions"). Paper 12.[2] The Board authorized filing the Motions in an email dated August 19, 2020. The Parties also filed, in each of the above-identified proceedings, a Joint Motion ("Requests") (Paper 13) to treat their Settlement Agreement (Ex. 1040) as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

II. DISCUSSION

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

The Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, and that the filed copies of the Settlement Agreement are true and complete copies. Paper 12, 2. The Parties further represent that they have resolved the dispute regarding the patents at issue in the above-identified proceedings and the related litigation.[3] *Id.* at 4.

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[2] The papers and exhibits filed in these proceedings are substantively the same. We cite to the record in IPR2020-00659, unless otherwise noted.
[3] *Osseo Imaging, LLC v. Kavo Dental Technologies, LLC*, Case No. 3:19-cv-00174 (W.D.N.C.).

We instituted trial for each of the above-identified *inter partes* review proceedings on June 10, 2020. *See* Paper 10. We have not decided yet the merits of these proceedings, and final written decisions have not been entered. Notwithstanding that these proceedings have moved beyond the preliminary stage, the Parties have shown adequately that the termination of the proceedings is appropriate because the parties have entered into a settlement agreement and jointly seek termination of the proceedings far in advance of our deadline to issue a final written decision and termination will save administrative and judicial resources. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

Regarding the Parties' Request to treat the Settlement Agreement as business confidential information and be kept separate from the file of the respective patents involved in the above-identified proceedings, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement between the Parties. Thus, we determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 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

Accordingly, it is:

ORDERED that the Joint Motions to Terminate (IPR2020-00659, Paper 12; IPR2020-00671, Paper 12; and IPR2020-00672, Paper 12) are *granted*, and that IPR2020-00659, IPR2020-00671, and IPR2020-00672 are

terminated with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Motions (IPR2020-00659, Paper 13; IPR2020-00671, Paper 13; and IPR2020-00672, Paper 13) to treat the Settlement Agreement (IPR2020-00659, Ex. 1040; IPR2020-00671, Ex. 1040; and IPR2020-00672, Ex. 1040) as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*.

IPR2020-00659 (Patent 8,498,374 B2)
IPR2020-00671 (Patent 6,381,301 B1)
IPR2020-00672 (Patent 6,944,262 B2)

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