

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENRI DAUSSI, LLC,
Petitioner,

v.

ECNA, LLC,
Patent Owner.

IPR2025-00807
Patent 9,398,791 B1

Before BART A. GERSTENBLITH, ROBERT L. KINDER, and
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

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

Ecna, LLC (“Patent Owner”) is the owner of U.S. Patent 9,398,791 B1 (Ex. 1001, “the ’791 patent”). Paper 4 (Patent Owner’s Mandatory Notice), 1. Henri Daussi, LLC (“Petitioner”) filed a Petition for *inter partes* review challenging claims 1–14 of the ’791 patent. Paper 1. At this point, no decision on institution has been entered.

On November 18, 2025, Petitioner emailed the Board, indicating that the parties have settled their dispute and seeking authorization to withdraw its petition. Ex. 3001. On November 20, 2025, the parties, with our authorization, filed a Joint Motion to Terminate this proceeding on the basis of their settlement. Paper 14 (“Motion” or “Mot.”); *see* 35 U.S.C. § 317(a); 42 C.F.R. § 42.74; *see also* Paper 15; Ex. 3001 (authorization).

According to 35 U.S.C. § 317(b),

[a]ny agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an *inter partes* review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of the *inter partes* review as between the parties.

Id. Pursuant to that statute, and in connection with the Joint Motion to Terminate, the parties filed a copy of their written settlement agreement resolving, *inter alia*, this *inter partes* review, which they certify is the only agreement, whether written or oral, between or among the parties made in connection with, or in contemplation of, the dismissal of the proceeding. Mot. 1; *see* Ex. 1014 (“Settlement Agreement”). Based on the language and execution of the Settlement Agreement, this certification is sufficient.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the

merits of the proceeding. *See* 35 U.S.C. § 317(a) (“An 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.”); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a)”). As noted above, the Board has not yet rendered a final decision. Thus, we *grant* the Joint Motion to Terminate the proceeding.

Exhibit 1014 was filed such that it can be viewed only by the parties and the Board, as though it were filed under seal. However, no motion to seal accompanied that filing and the parties have not requested that the Settlement Agreement “be treated as business confidential information and . . . kept separate” from the public file of the ’791 patent pursuant to 37 C.F.R § 42.74(c). Thus, Exhibit 1014 *will be made public in due course unless the parties promptly file a request to keep separate pursuant to 37 C.F.R. § 42.74(c).*¹

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

¹ As of the time of this Decision, there are two exhibits filed as “Exhibit 1014,” each containing an identical copy of the parties’ Settlement Agreement. The first was filed on November 19, 2025, without authorization from the Board. The second was filed on November 20, 2025. Exhibit 1015 shares this same issue. To avoid confusion, the versions filed on November 19, 2025, will be expunged.

Accordingly, it is:

ORDERED that Exhibits 1014 and 1015, filed on November 19, 2025, are *expunged*;

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is *granted*, the Petition is *dismissed*, and this proceeding is hereby *terminated* under 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74; and

FURTHER ORDERED that no other relief is granted.

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Patent 9,398,791 B2

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