

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ GROUP AG,
Petitioner,

v.

THE PHELAN GROUP, LLC,
Patent Owner.

IPR2025-00986
Patent 9,493,149 B2

Before LINDA E. HORNER, MITCHELL G. WEATHERLY, and
AARON W. MOORE, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

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

The parties have requested that this proceeding be terminated pursuant to a settlement. On November 25, 2025, we authorized the parties via e-mail to file a joint request to terminate this proceeding and to file the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). The parties filed their joint motion on November 26, 2025. Paper 9. With

their joint motion to terminate, the parties also filed a joint request to keep their written settlement agreement confidential along with a copy of that settlement agreement. Paper 10 (filed concurrently with Ex. 1020 (“Settlement Agreement”)).

We have not instituted trial in this proceeding. The parties indicate that they have agreed to resolve all disputes between them related to the challenged patent that are pending before the Office and the District Court in the related litigation. Paper 9, 2–3. Under these circumstances, we determine that it is appropriate to terminate the proceeding.

We find that the Settlement Agreement contains confidential business information regarding the terms of settlement. Accordingly, we determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Accordingly, it is:

ORDERED that the Joint Motion to Terminate Proceeding under 35 U.S.C. § 317 and 37 C.F.R. § 42.72 (Paper 9) is *granted*;

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement as Business Confidential Information under 35 U.S.C. § 317(b) (Paper 10) is *granted*; and

FURTHER ORDERED that the Settlement Agreement (Ex. 1020) shall be treated as business confidential information and kept separate from the file of U.S. Patent No. 9,493,149 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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Patents 9,493,149 B2

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