

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

LONGHORN AUTOMOTIVE GROUP LLC,
Patent Owner.

IPR2025-01064
Patent 8,265,353 B2

Before GEORGE R. HOSKINS, ROBERT L. KINDER, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s prior authorization via emails, Petitioner and Patent Owner (collectively “the Parties”) filed a Joint Motion to Terminate this *inter partes* review proceeding due to settlement. *See* Paper 12 (“Joint Motion”). In support of the Joint Motion, the Parties filed a Confidential Settlement Agreement (Ex. 1074 (“Settlement Agreement”)) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The Parties also requested that the Settlement Agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). *See* Joint Motion 1.

II. DISCUSSION

In the Joint Motion, the Parties represent they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true copy of the agreement(s) between the Parties made in connection with, or in contemplation of, termination of this proceeding. *See* Joint Motion 1. The Parties further represent that the Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the patent challenged in this proceeding. *See id.* (citing Ex. 1075).

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.” Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

We instituted a trial in this proceeding on December 8, 2025. *See* Paper 10. We have not yet decided the merits of the proceeding, and a final

written decision has not been entered. Notwithstanding that the proceeding has moved beyond the preliminary stage, the Parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties also jointly request that the Settlement Agreement be treated as business confidential information, be kept separate from the file of the involved patent, and be 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). *See* Joint Motion 1. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement, and therefore 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, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate (Paper 12) is *granted*, and this proceeding is *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 Parties' joint request that the Settlement Agreement be treated as business confidential information, be kept separate from the file of the involved patent, and be 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) is *granted*, and the Settlement Agreement (Ex. 1074) shall be kept separate from the file of U.S. Patent No. 8,265,353 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).

IPR2025-01064
Patent 8,265,353 B2

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