

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEAD AIR ARMAMENT, LLC d/b/a DEAD AIR SILENCERS,
Petitioner,

v.

JARVIS ARMS LLC d/b/a MISSION SILENCERS,
Patent Owner.

IPR2026-00013
Patent 12,018,906 B2

Before ANNETTE R. REIMERS, BART A. GERSTENBLITH, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively referred to as “the Parties”) filed a Joint Motion to Terminate Proceeding (“Joint Motion”). Paper 19. In support of the Joint Motion, the Parties filed a Confidential Settlement and Patent License Agreement (Ex. 1017 (“Settlement Agreement”)). The Parties also filed a Joint Request to Treat Settlement Agreement and Patent Agreement as Business Confidential Information (Paper 20 (“Joint Request”)).

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.”

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, and that they have filed the Settlement Agreement, which is a true and complete copy, and that there are no other agreements or understandings made in connection with the termination of this proceeding. Joint Motion 1–2. The Parties further represent that the Settlement Agreement also resolves their related district court litigation. *Id.* at 2.

Although trial has been instituted in the proceeding, we have not yet decided the merits 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 termination of the consolidated proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding.

The Parties also filed a Joint Request that the Settlement Agreement and Patent License Agreement be treated as business confidential information and be kept separate from the file of U.S. Patent No. 12,018,906 B2. Joint Request 1. After reviewing the Settlement Agreement between the Parties, 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 the Parties as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The Parties further request “the Board inform [them] if anyone seeks production of the agreement and afford the [P]arties an opportunity to address whether such request is supported by good cause.” Joint Request 4. The Board does not have a procedure to serve upon the Parties a request for access to the Settlement Agreement, and our regulations do not require us to do so. Therefore, we deny the Parties’ request for notification.

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 19) is *granted*, and this proceeding is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72;

FURTHER ORDERED that the Joint Request (Paper 20) is *granted*, and the Settlement Agreement shall be kept separate from the file of U.S. Patent No. 12,018,906 B2 and made available only to Federal Government

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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); and

FURTHER ORDERED that the Parties' request for notification if the Board receives a request for access to the Settlement Agreement is *denied*.

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