

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION and
KEYSTONE AUTOMOTIVE INDUSTRIES, INC.,
Petitioner,

v.

GM GLOBAL TECHNOLOGY OPERATIONS LLC,
Patent Owner.

PGR2020-00055
Patent D855,508 S

Before KEN B. BARRETT, SCOTT A. DANIELS, and
ROBERT L. KINDER, *Administrative Patent Judges*.

KINDER, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 327; 37 C.F.R. § 42.74

I. INTRODUCTION

With our authorization (*see* Ex. 3001), the parties filed a “Joint Motion to Terminate.” Paper 36 (“Mot.”). Along with the Joint Motion, the parties filed a settlement agreement as “Confidential Settlement Agreement.” (“Agreement,” Ex. 2009). The parties also filed a “Joint Request to Treat Exhibit 2009 as Business Confidential Information” (Paper 37, “Joint Request”). For the following reasons, we *grant* the parties’ Joint Motion to terminate this PGR, as well as the parties’ Joint Request to file their Agreement as business confidential information and keep separate from the files of the involved patent.

By way of background, following Petitioner’s appeal of our Final Written Decision (Paper 33) in this proceeding, in *LKQ Corp. v. GM Global Tech. Oper. LLC*, 2022-1253, (Fed. Cir.) August 23, 2024, the Federal Circuit issued a mandate affirming the Board’s anticipation findings but also granting the parties’ joint motion to vacate and remand the obviousness determination. Paper 35.

Upon remand from the Federal Circuit, the Board sent a message to the parties requesting a case status update. Ex. 3001. The response indicated that “[t]he parties have reached a settlement, in principle, as to PGR2020-00055,” and “the parties respectfully request permission to file a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317 by no later than September 20, 2024.” *Id.* In reply, on September 10, 2024, the Panel authorized the parties to file the joint motion to terminate. *Id.*

The parties filed their Joint Motion to Terminate (Paper 36), a Settlement Agreement (Ex. 2009), and Joint Request (Paper 37) on September 20, 2024. Since the remand, the Board has not undertaken any further scheduling, analysis, or briefing procedures in this proceeding. And,

where the current status is a remand of the nonobviousness determination in our Final Written Decision, this remand proceeding is still in its early stages because the parties have not undertaken any scheduling or substantive briefing. In the Joint Motion to terminate this PGR, the parties state that “[they] have reached a settlement that addresses this proceeding.” Mot. 1. The parties also represent “that there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding.” *Id.*

Under these particular circumstances we determine that good cause exists to dismiss the petition and terminate the proceeding with respect to the parties. *See* 37 C.F.R. § 42.71(a). This Order does not constitute a final written decision pursuant to 35 U.S.C. § 328(a). We also have reviewed the true copy of the parties’ settlement agreement (Ex. 2009) and determine that good cause exists to treat this settlement agreement as business confidential information and keep it separate from the files of U.S. Patent No. D855,508 S, the patent involved in this case. *See* 35 U.S.C. § 327(b); 37 C.F.R. § 42.74(c).

II. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate (Paper 36) and Joint Request to Treat Exhibit 2009 as Business Confidential Information (Paper 37) are *granted* and this proceeding is terminated with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that Exhibit 2009 be treated as business confidential information pursuant to 35 U.S.C. § 327(b) and 37 C.F.R.

PGR2020-00055

Patent D855,508 S

§ 42.74(c) and also remain designated as “Parties and Board Only” in the Board’s P-TACTS system.

PGR2020-00055
Patent D855,508 S

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