

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LONDON LUXURY LLC,
Petitioner,

v.

E & E CO., LTD.,
Patent Owner.

PGR2021-00083
Patent 10,820,376 B2

Before MICHAEL R. ZECHER, SCOTT C. MOORE, and
JASON W. MELVIN, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

I. DISCUSSION

On March 3, 2022, with our authorization via email, Petitioner, London Luxury LLC (“London Luxury”), and Patent Owner, E & E Co., Ltd., jointly filed the following: (1) a “Joint Motion to Terminate *Post Grant* Review [PGR]” (Paper 14, “Mot.”); (2) a true copy of the parties’ settlement agreement (Ex. 2014); and (3) a “Joint Request to File Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c)” (Paper 15). For the following reasons, we *grant* the parties’ “Joint Motion to Terminate PGR,” as well as the parties’ joint request to file their settlement agreement as business confidential information and keep it separate from the file of the involved patent.

On November 15, 2021, we entered a decision instituting a PGR of claims 1–8 and 10–16 of U.S. Patent No. 10,820,376 B2 (Ex. 1001, “the ’376 patent”). Paper 10. The trial, however, is still in an early stage because the parties have not completed substantive briefing and we have not yet decided the merits.

In the “Joint Motion to Terminate PGR,” the parties state that “[t]ermination of the instant PGR . . . is appropriate under [Patent Trial and Appeal Board] precedent and would save the Board significant administrative and judicial resources in issuing a final written decision.” Mot. 4. The parties represent that, “[u]nder terms of the settlement agreement, the parties agreed to jointly seek termination of [this proceeding], and the parties agreed to dismiss [the] related district court litigation.” *Id.* at 2. The parties also represent that Exhibit 2014 is a true copy of the parties’ settlement agreement that “resolves all currently pending Patent Office and District Court proceedings between the parties involving

the '376 patent.” *Id.* Although not stated explicitly in the “Joint Motion to Terminate PGR,” we understand the settlement agreement that is Exhibit 2014 to be the only agreement between the parties and there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding. *See id.*

Under these particular circumstances, we determine that it is appropriate to terminate the trial without rendering a final written decision. *See* 37 C.F.R. § 42.72. We also reviewed the true copy of the parties’ settlement agreement (Ex. 2014), and we determine that good cause exists to treat this settlement agreement as business confidential information and keep it separate from the file of the '376 patent. *See* 35 U.S.C. § 327(b); 37 C.F.R. § 42.74(c).

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ joint request to file their settlement agreement as business confidential information and keep it separate from the file of the '376 patent is *granted*;

FURTHER ORDERED that Exhibit 2014 shall remain business confidential information, and shall be kept separate from the file of the '376 patent; and

FURTHER ORDERED that the parties’ “Joint Motion to Terminate PGR” filed pursuant to 35 U.S.C. 327(a) and 37 C.F.R. § 42.74 is *granted*.

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