

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COSENTINO S.A.U. and C & C NORTH AMERICA INC.,  
Petitioner,

v.

CAMBRIA COMPANY LLC,  
Patent Owner.

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PGR2021-00090  
Patent 10,981,293 B2

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Before KRISTINA M. KALAN, CHRISTOPHER M. KAISER,  
AVELYN M. ROSS, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial and  
*Granting* Joint Motion to Treat Settlement Agreement as  
Business Confidential Information  
*37 C.F.R. § 42.74*

## I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to Terminate in the above-captioned proceeding due to settlement. Paper 7 ("Joint Motion"). Along with the Joint Motion, the Parties filed a copy of their Patent License Agreement (Ex. 2001, "Settlement Agreement"), as well as a Joint Request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patent involved in the above-captioned proceeding. Paper 8 ("Joint Request").

## II. DISCUSSION

In the Joint Motion, the Parties represent that the Settlement Agreement resolves their disputes involving the patent at issue in the above-captioned proceeding. Joint Motion 1. The Parties also represent that they have filed a true copy of the Settlement Agreement made in connection with, or in contemplation of, the termination of the above-captioned proceeding. *Id.* at 2. The Settlement Agreement states that it "embod[ies] the entire understanding of the Parties." Settlement Agreement 14.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the petition and terminate the proceeding with respect to the Parties.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patent involved in this proceeding. Joint Request 1. After reviewing the Settlement Agreement, we find that it contains confidential

business information regarding the terms of settlement. Thus, good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 328(a).

### III. ORDER

Accordingly, it is:

ORDERED that the Joint Request to treat the Settlement Agreement as business confidential information is *granted*, and the Settlement Agreement shall be kept separate from the files of Patent No. 10,981,293 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the Joint Motion to Terminate is *granted*, and PGR2021-00090 is *terminated* with respect to Petitioner and Patent Owner.

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Patent 10,981,293 B2

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