

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPL LIMITED,
Petitioner,

v.

COLGATE-PALMOLIVE COMPANY,
Patent Owner.

Case PGR2022-00001
Patent 10,889,093 B2

Before CHRISTOPHER L. CRUMBLY, CHRISTOPHER M. KAISER,
and AVELYN M. ROSS, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

On January 28, 2022, after email authorization by the Board, Petitioner filed an Unopposed Motion to Dismiss the Petition. Paper 6 (“Motion to Dismiss”). In addition, Petitioner filed a true copy of a Settlement Agreement, Ex. 1021, along with an Unopposed Motion to Treat the Settlement Agreement as Business Confidential Information, Paper 7 (“Confidentiality Motion”). In the Motion to Dismiss, Petitioner “requests that the Board dismiss the Petition and terminate this proceeding in its entirety.” Paper 6, 2. Petitioner contends that “[d]ismissal is proper because this PGR proceeding is still in its early stages, and the Board has not yet ‘decided the merits of the proceeding.’” *Id.* at 1 (quoting *Samsung Electronics Co., Ltd. v. Neodron Ltd.*, IPR2020-01682, Paper 14, at 3 (PTAB Feb. 18, 2021)).

This proceeding is in its preliminary phase, and we have not yet entered a decision on institution. We determine that good cause exists for dismissal under 37 C.F.R. § 42.71(a) for the reasons stated in the Motion to Dismiss, as well as because dismissal under the present circumstances will facilitate the just, speedy, and inexpensive resolution of this proceeding. In addition, we determine that good cause exists to treat the true copy of the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c) for the reasons stated in the Confidentiality Motion.

Accordingly, it is

ORDERED that the Motion to Dismiss the Petition is *granted*;

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FURTHER ORDERED that the Motion to Treat the Settlement Agreement as Business Confidential Information under 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the Petition is *dismissed*.

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