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Paper 12
Entered: March 20, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIMBRIA SRL,
Petitioner,

v.

3U VISION SRL,
Patent Owner.

PGR2024-00018
Patent 11,666,947 B2

Before KEVIN W. CHERRY, CYNTHIA L. MURPHY, and RYAN H. FLAX, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge.*

DECISION
Granting Joint Motion to Terminate Proceeding
Due to Settlement After Institution of Trial and
Granting Joint Motion to Keep Settlement Agreement
Confidential and Separate
35 U.S.C. § 327; 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 the above-identified post-grant review proceeding due to settlement. Paper 9 ("Joint Motion"). In support of the Joint Motion, the Parties filed a Executed Settlement Agreement and a English Translation of the Executed Settlement Agreement (respectively, Exs. 1018, 1019, collectively referred to as "the Settlement Agreement"), as well as a Joint Motion to Keep Settlement Agreement Confidential and Separate pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c) (Paper 10 ("Joint Request")), in the above-identified proceeding.

II. DISCUSSION

Under 35 U.S.C. § 327(a), "[a] post-grant 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." Section 35 U.S.C. § 327(a) also provides that if no petitioner remains in the post-grant review, the Office may terminate the review.

For the above-identified proceeding, in the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the post-grant review proceeding, that the filed copies of the Settlement Agreement are true and accurate copies, and "that there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the present proceeding." Joint Motion 1–3. The Parties further represent that their settlement agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above-identified Patents at issue. *Id.* at 1, 3.

We instituted trial on the above-identified proceeding on September 20, 2024. Paper 6. We have not yet decided the merits of the proceeding, 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 the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

For the above-identified proceeding, the Parties also filed a joint request to file the Settlement Agreement as business confidential information and to keep the Settlement Agreement separate from the file of the patent at issue. Joint Request 1. After reviewing the Settlement Agreement between Petitioner and Patent Owner, 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 Petitioner and Patent Owner as confidential information pursuant to 35 U.S.C. § 317(b) and 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, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and PGR2024-00018 is *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 327(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Motion to Keep Settlement Agreement Confidential and Separate is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 11,666,947 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).

PGR2024-00018
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