

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD**

Camel Manufacturing Company, LLC

Petitioner,

v.

DLX Enterprises, LLC,

Patent Owner.

Case No. PGR2024-00033

U.S. Patent No. 11,732,496

JOINT MOTION TO TERMINATE POST-GRANT REVIEW

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I. STATEMENT OF RELIEF REQUESTED

Pursuant to 35 U.S.C. § 327(a), Petitioner, Camel Manufacturing Company, LLC (“Petitioner”) and DLX Enterprises, LLC (“Patent Owner”) jointly move and request that the Board terminate this post grant review (“PGR”) proceeding, which is directed at U.S. Patent No. 11,732,496 (“the ‘496 Patent,” Ex. 1001). The Board has not yet ruled on the merits of the Petition and the parties have reached a settlement.

Request for Confidentiality of Settlement under 37 C.F.R. § 42.74(c)

Pursuant to 35 U.S.C. § 327(b), the parties are concurrently filing a separate request that the settlement agreement (Ex. 1025) being filed herewith be treated as business confidential information and be kept separate from the files of the involved patent, pursuant to 37 C.F.R. § 42.74(c).

I. STATEMENT OF FACTS

Petitioner filed this PGR petition on May 22, 2024 (Paper No. 1). Patent Owner did not submit a Preliminary Response.

On October 1, 2024, Petitioner and Patent Owner entered into a settlement agreement. *See* Ex. 1025 (Confidential). Under the terms of the settlement agreement, the parties agreed jointly to seek termination of this proceeding.

Thus, the settlement agreement resolves all currently pending Patent Office proceedings between the parties involving the '496 patent.

III. RELATED LITIGATION

There is no litigation pending between the parties on any issues.

IV. ARGUMENT

The Patent Act states in pertinent part that "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." 35 U.S.C. § 327(a).

Similarly, 37 C.F.R. § 42.72 provides that "[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including where the trial is consolidated with another proceeding or pursuant to a joint request under 35 U.S.C. 317(a) or 327(a)." The Trial Practice Guide additionally counsels that "[t]here are strong public policy reasons to favor settlement between the parties to a proceeding" and that the Board "expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." *See Consolidated Trial Practice Guide* at 86 (November 2019).

A. The Board Should Terminate this proceeding in its entirety.

As noted in the Statement of Facts, the Board has yet to render a final decision in this matter. Actually, the Board has not yet decided whether to accept the Petition, so it has not yet decided the merits of the proceeding. The parties jointly request that the

Board terminate the proceeding in light of their settlement agreement. Ex. 1025 (Confidential). Thus, the Board should terminate the proceeding in its entirety.

B. Written Settlement Agreement

Pursuant to 37 C.F.R. § 42.74(c), the parties are filing herewith as Exhibit 1025 a true copy of the complete settlement agreement entered between the parties on October 1, 2024. The settlement agreement has been filed for access by the "Parties and Board Only" due to the highly-sensitive business confidential information it contains. The parties desire that the settlement agreement be maintained as business confidential information under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), and a separate joint request for such is being filed concurrently.

V. CONCLUSION

Petitioner and Patent Owner respectfully request that the Board grant the parties' Joint Motion to Terminate this proceeding in its entirety and grant the request to treat the settlement agreement between the parties as business confidential information.

Dated: October 3, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on October 3, 2024, a true and correct copy of the foregoing **"JOINT MOTION TO TERMINATE POST GRANT REVIEW"** was served via email on the following attorneys of record:

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