

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT U.S.A., INC.,
Petitioner,

v.

H2 INTELLECT LLC,
Patent Owner.

PGR2025-00047
Patent 12,056,736 B2

Before JAMES A. WORTH, SCOTT C. MOORE, and
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

FINAMORE, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization (Ex. 3001), Petitioner filed a Joint Motion to Terminate Post Grant Review (Paper 7) and a Joint Motion to Keep Confidential and Separate (Paper 6). In support of the Joint Motion to Terminate, Petitioner filed a Settlement Agreement (Ex. 1042).

II. DISCUSSION

The parties represent that they have reached an agreement to jointly seek termination of the post-grant review proceeding and that the Settlement Agreement is a true and accurate copy representing the entire agreement between the parties. Paper 7, 1–2. This post-grant review proceeding is at an early stage, and we have not yet decided whether to institute a trial. In view of the early stage of the proceeding and the settlement between the parties, we determine that good cause exists to terminate the proceeding.

Additionally, the parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent at issue in this proceeding. Paper 6, 1. After reviewing the Settlement Agreement, we find the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Lastly, this Decision does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate Post Grant Review (Paper 7) is *granted*, and that PGR2025-00047 is *terminated* pursuant to 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Motion to Keep Confidential and Separate (Paper 6) is *granted*, that the Settlement Agreement shall be kept separate from the file of U.S. Patent No. 12,056,736 B2, and that the Settlement Agreement shall be 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. § 317(b) and 37 C.F.R. § 42.74(c).

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