

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BOBA, INC.,  
Petitioner,

v.

THE ERGO BABY CARRIER, INC.,  
Patent Owner.

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Case IPR2016-01866 (Patent 8,590,757 B2)<sup>1</sup>  
Case IPR2016-01870 (Patent 9,022,260 B2)

Before JEREMY M. PLENZLER, FRANCES L. IPPOLITO, and  
KEVIN W. CHERRY, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

ORDER  
Joint Motion to Terminate  
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

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<sup>1</sup>This Decision addresses similar issues in the referenced cases, therefore, we issue a single Decision to be filed in each case.

IPR2016-01866 (Patent 8,590,757 B2)

IPR2016-01870 (Patent 9,022,260 B2)

On February 22, 2017, the parties filed a Joint Motion to Terminate Proceeding in each of the above-identified proceedings. IPR2016-01866, Paper 6; IPR2016-01870, Paper 6. The parties further filed a true copy of a Settlement Agreement (Ex. 2002) and a Joint Motion to File Settlement Agreement as Business Information under 35 U.S.C. § 317 (IPR2016-01866, Paper 7; IPR2016-01870, Paper 7). The above filings were authorized pursuant to an email sent by the Board on February 14, 2017.

Each of these proceedings is in an early stage and no decision whether to institute *inter partes* review has been made. Additionally, the parties represent that the “related district court case (complaint filed as Ex. 1023) has also been settled . . . [and] [n]o litigation or proceeding involving the subject patents is contemplated in the foreseeable future.” IPR2016-01866, Paper 6, 1; IPR2016-01870, Paper 6, 1.

Based on the facts of the instant proceeding, it is appropriate to terminate these proceedings. Therefore, the joint motions to terminate the proceedings are *granted*.

Accordingly, it is

ORDERED that the joint motions to terminate the proceedings are *granted*; and

FURTHER ORDERED that the parties’ joint requests that the Settlement Agreement (Ex. 2002) be treated as business confidential information, kept separate from the patent file are *granted*.

IPR2016-01866 (Patent 8,590,757 B2)  
IPR2016-01870 (Patent 9,022,260 B2)

PETITIONER:

Adam Seitz  
[adam.seitz@eriseip.com](mailto:adam.seitz@eriseip.com)

Kathleen Fitterling  
[kathleen.fitterling@eriseip.com](mailto:kathleen.fitterling@eriseip.com)

PATENT OWNER:

Justin Poplin  
[aquinn@lathropgage.com](mailto:aquinn@lathropgage.com)

Anna Quinn  
[jpoplin@lathropgage.com](mailto:jpoplin@lathropgage.com)