

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DYNACRAFT BSC, INC.,
Petitioner,

v.

MATTEL, INC.,
Patent Owner.

Cases IPR2018-00038 (Patent 7,222,684 B2)
IPR2018-00039 (Patent 7,950,978 B2)
IPR2018-00040 (Patent 7,487,850 B2)

Before BARRY L. GROSSMAN, MITCHELL G. WEATHERLY, and
JAMES A. WORTH, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Terminate Proceeding
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

The parties have requested that this trial be terminated pursuant to a settlement. On July 27, 2018, we authorized the parties via e-mail to file a joint request to terminate these proceedings and to file the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). The parties filed their joint motion in each of the above-referenced

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proceedings on July 30, 2018. Paper 12.¹ With their joint motions to terminate, the parties also filed a copy of a written settlement agreement that they request be kept confidential. Paper 12, 1; IPR2018-00038 and -00039, Ex. 1019; IPR2018-00040, Ex. 1008.

We instituted trial in all three proceedings on April 17, 2017. Paper 7. The parties indicate that they have agreed to resolve all disputes between them related to the challenged patent. Paper 12, 1. “The parties certify that the Settlement Agreement constitutes the entire understanding and agreement between the parties, and that there are no other collateral agreements or understandings made in connection with, or in contemplation of, terminating this *inter partes* review.” *Id.* Patent Owner has not yet filed its Patent Owner Response in any proceeding, and the trials are in their early stages. Under these circumstances, we determine that it is appropriate to enter judgment and terminate the trial in each proceeding without rendering a final written decision. 37 C.F.R. § 42.72.

Accordingly, it is

ORDERED that the Joint Motion for Termination in each proceeding, Paper 12, is *granted*; and

FURTHER ORDERED that the Confidential Settlement Agreement (IPR2018-00038 and -00039, Ex. 1019; IPR2018-00040, Ex. 1008) shall be treated as business confidential information and kept separate from the public record under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

¹ Except as otherwise noted, references to Paper and Exhibit numbers apply to all three proceedings.

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