

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

HAMMOND DEVELOPMENT INTERNATIONAL, INC.,
Patent Owner.

IPR2020-01043 (Patent 9,716,732), IPR2020-01051 (Patent 9,456,040),
IPR2020-01058 (Patent 9,420,011), IPR2020-01064 (Patent 10,193,935),
IPR2020-01066 (Patent 9,705,937)¹

Before MICHELLE N. WORMMEESTER, AMBER L. HAGY, and
KRISTIL R. SAWERT, *Administrative Patent Judges*.

HAGY, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue one order to be entered in each case.
The parties are not authorized to use a caption identifying multiple cases.

IPR2020-01043 (Patent 9,716,732), IPR2020-01051 (Patent 9,456,040), IPR2020-01058 (Patent 9,420,011), IPR2020-01064 (Patent 10,193,935), IPR2020-01066 (Patent 9,705,937)

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively referred to as “the Parties”) filed a Joint Motion to Terminate in each of the above-identified proceedings due to settlement. Paper 8 (“Joint Motion”).² In support of each Joint Motion, the Parties filed a Joint Stipulation of Partial Dismissal (Ex. 1080, “Stipulation”) and a Confidential Covenant Not to Sue (Ex. 1081, “Covenant”). The Parties additionally filed a Joint Request to treat the Covenant as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) in each of the above-identified proceedings. Paper 6 (“Joint Request”).

II. DISCUSSION

In each Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, as set forth in the filed copies of the Covenant and Stipulation. Joint Motion 2–3. The Parties further represent that the Stipulation and Covenant resolve all currently pending Patent Office and District Court proceedings between the Parties involving the above-referenced patents. *Id.*

The above-identified proceedings are at an early stage, and we have not yet decided whether to institute trial in the proceedings. In view of the early stage of the proceedings and the settlement between the Parties, we determine that good cause exists to dismiss the petitions and terminate the

² All citations are to IPR2020-01043 with the understanding that the other proceedings include papers having substantially the same substantive content.

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proceedings with respect to the Parties.

The Parties also filed Joint Requests that the Covenant be treated as business confidential information and be kept separate from the file of the respective patent involved in this *inter partes* proceeding. Joint Request 1. After reviewing the Covenant between Petitioner and Patent Owner, we find that the Covenant contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Covenant between Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This paper 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 in each of the above-identified proceedings is *granted*, and IPR2020-01043, IPR2020-01051, IPR2020-01058, IPR2020-01064, and IPR2020-01066 are *terminated*; and

FURTHER ORDERED that the Joint Requests to Treat the Settlement Agreement as Business Confidential Information are *granted*, and the Covenant shall be kept separate from the files of the above-referenced patents, 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. § 317(b) and 37 C.F.R. § 42.74(c).

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