

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC., HYUNDAI MOTOR
AMERICA, MAZDA MOTOR OF AMERICA, INC., SUBARU OF
AMERICA, INC., and VOLVO CAR USA, LLC,¹
Petitioner,

v.

STRATOSAUDIO, INC.,
Patent Owner.

IPR2021-00720 (Patent 9,355,405 B2)
IPR2021-00721 (Patent 8,166,081 B2)

Before JUSTIN T. ARBES, HYUN J. JUNG, and KEVIN C. TROCK,
Administrative Patent Judges.

TROCK, *Administrative Patent Judge.*

ORDER
Settlement as to Mazda Motor of America, Inc.

¹ Mazda Motor of America, Inc., Subaru of America, Inc., and Volvo Car USA, LLC filed a motion for joinder and a petition in Case IPR2022-00203, and Hyundai Motor America, Mazda Motor of America, Inc., Subaru of America, Inc., and Volvo Car USA, LLC filed a motion for joinder and a petition in Case IPR2022-00224, which were granted, and, therefore, have been joined as petitioners in these proceedings.

IPR2021-00720 (Patent 9,355,405 B2)

IPR2021-00721 (Patent 8,166,081 B2)

35 U.S.C. § 317; 37 C.F.R. § 42.74

On July 21, 2022, Petitioner Mazda Motor of America, Inc. (“Mazda”) and Patent Owner StratosAudio, Inc. filed, in each of the instant proceedings, a Joint Motion to Terminate on the basis of a settlement reached by Mazda and Patent Owner. *See* Paper 45 (“Mot.”);² 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. The parties also filed a copy of their written settlement agreement (Exhibit 2024) as “Board Only” in the Board’s electronic filing system and filed a Joint Request (Paper 46) that the agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Mazda and Patent Owner represent that a settlement agreement between the two parties “has been made in writing,” “a true copy of the same is [filed] as Exhibit 2024,” and “[t]here are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination sought.” Mot. 1. The Motion does not indicate that Mazda is a defendant in any pending district court litigation asserting the challenged patents. *Id.* at 1–2. Under these circumstances, we determine that it is appropriate to terminate the instant proceedings with respect to Mazda. *See* 37 C.F.R. §§ 42.72, 42.74. The proceedings shall continue with respect to Volkswagen Group of America, Inc., Subaru of America, Inc. and Volvo Car USA, LLC (and Hyundai Motor America in Case IPR2021-00720) (collectively, “Petitioner”), under the terms set forth

² The parties filed similar documents in each of the instant proceedings. *See* IPR2021-00720, Papers 45, 46, Ex. 2024; IPR2021-00721, Papers 43, 44, Ex. 2024. We refer to those papers filed in Case IPR2021-00720 for convenience.

IPR2021-00720 (Patent 9,355,405 B2)

IPR2021-00721 (Patent 8,166,081 B2)

in our decision granting the motion for joinder in each proceeding. *See* IPR2021-00720, Paper 39; IPR2021-00721, Paper 37.

In consideration of the foregoing, it is hereby

ORDERED that the parties' requests that the settlement agreement (Exhibit 2024) between Mazda and Patent Owner be treated as business confidential information, kept separate from the files of U.S. Patent Nos. 9,355,405 B2 and 8,166,081 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*;

FURTHER ORDERED that the Joint Motion to Terminate as to Mazda in each of the instant proceedings is *granted*; and

FURTHER ORDERED that for all future filings, the case caption in the instant proceedings shall be changed to remove Mazda Motor of America, Inc.

IPR2021-00720 (Patent 9,355,405 B2)

IPR2021-00721 (Patent 8,166,081 B2)

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