

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGOS USA LLC, DOLE FOOD COMPANY, INC., THE GILLETTE
COMPANY, LLC, MILACRON LLC, PLY GEM INDUSTRIES, INC.,
REVLON CONSUMER PRODUCTS CORPORATION, CALPINE
CORPORATION, WATTS WATER TECHNOLOGIES, INC., LIBERTY
MUTUAL INSURANCE COMPANY, INTERNATIONAL PAPER
COMPANY, STATE INDUSTRIAL PRODUCTS CORP., BASSETT
FURNITURE INDUSTRIES, INC.,
Petitioner,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

IPR2021-00771
Patent 7,231,379

Before MIRIAM L. QUINN, KIMBERLY McGRAW, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL *Administrative Patent Judge*.

DECISION

Settlement Prior to Institution of Trial and
Granting Joint Request to Treat Settlement Agreements as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

On August 17, 2021, the parties contacted the Board by email to request authorization to file a joint motion to terminate this proceeding pursuant to settlement agreements and a joint request to keep the settlement agreements confidential. In an email sent on August 23, 2021, the Board authorized the parties to file a motion to terminate the above-captioned proceeding and a request to keep the settlement agreements confidential.

On August 30, 2021, the parties filed a Joint Motion to Terminate. Paper 7. The parties concurrently filed a joint request to treat the settlement agreements as business confidential information, and for the agreements to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8), along with a copy of the written settlement agreements (Ex. 1030). The parties represent that Exhibit 1030 is a true and complete copy of their settlement agreements. Paper 8, 1. The parties also represent that there are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination. Paper 7, 2.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties to the proceeding and unless the Board has already decided the merits of the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties filed such settlement agreements. Ex. 1030. Moreover, this proceeding is at a preliminary stage and the merits have not yet been decided. Under these circumstances, we determine that it is appropriate to terminate this proceeding.

After reviewing the parties' settlement agreements, we find that the settlement agreement contains business confidential information regarding terms of the settlement and good cause exists to treat the settlement agreements as business confidential information pursuant to 37 C.F.R.

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§ 42.74(c).

Accordingly, it is

ORDERED that the Joint Motion to terminate IPR2021-00771 (Paper 7) as to both Petitioner and Patent Owner is *granted*;

FURTHER ORDERED that the joint request (Paper 8) to treat the parties' settlement agreements (Ex. 1030) as business confidential information under 37 C.F.R. § 42.74(c), and for the agreements to be kept separate from the patent file in the above-captioned proceeding, is *granted*; and

FURTHER ORDERED that the Petition is dismissed under 37 C.F.R. § 42.71(a), and this proceeding is *terminated*.

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FOR PETITIONER:

Joshua A. Griswold
Ricardo J. Bonilla
FISH & RICHARDSON P.C.
griswold@fr.com
rbonilla@fr.com

FOR PATENT OWNER:

Sanjay Pant
PRA LAW
spant@pralawllc.com

Gautham Bodepudi
gbodepudi@outlook.com