

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC., HYUNDAI MOTOR
AMERICA, and SUBARU OF AMERICA, INC.,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 Subaru of America, Inc.
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ Subaru of America, Inc. filed a motion for joinder and a petition in Case IPR2022-00203, and Hyundai Motor America and Subaru of America, Inc. 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)

Petitioner Subaru of America, Inc. (“Subaru”) 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 Subaru and Patent Owner. *See* Paper 57 (“Mot.”); 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 2026) as “Board Only” in the Board’s electronic filing system and filed a Joint Request (Paper 58) that the agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).²

Subaru and Patent Owner represent that a settlement agreement between the two parties “has been made in writing, and a true copy of the same is [filed] as Exhibit 2026” and “[t]here are no other collateral agreements between the Parties made in connection with, or in contemplation of, the termination sought.” Mot. 2. The Motion does not indicate that Subaru is a defendant in any pending district court litigation asserting the challenged patents. *Id.* at 2–3. Under these circumstances, we determine that it is appropriate to terminate the instant proceedings with respect to Subaru. *See* 37 C.F.R. §§ 42.72, 42.74. The proceedings shall continue with respect to Volkswagen Group of America, Inc. and Hyundai Motor America (in Case IPR2021-00720) (collectively, “Petitioner”), under the terms set forth 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

² The parties filed similar documents in each of the instant proceedings. *See* IPR2021-00720, Papers 57, 58, Ex. 2026; IPR2021-00721, Papers 58, 59, Ex. 2026. We refer to those papers filed in Case IPR2021-00720 for convenience.

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

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ORDERED that the parties' requests that the settlement agreement (Exhibit 2026) between Subaru 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 Subaru 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 SUBARU OF AMERICA, INC.

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

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

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