

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FANTASIA TRADING LLC d/b/a/ ANKERDIRECT,  
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,  
Patent Owner.

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IPR2022-00499 (Patent 7,825,537 B2)  
IPR2022-00595 (Patent 10,193,392 B2)  
IPR2022-00609 (Patent 9,490,652 B2)<sup>1</sup>

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Before JAMESON LEE, KARL D. EASTHOM, BRIAN J. McNAMARA,  
KRISTINA M. KALAN, and MICHELLE N. WORMMEESTER,  
*Administrative Patent Judges.*<sup>2</sup>

WORMMEESTER, *Administrative Patent Judge.*

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

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<sup>1</sup> This Order addresses the same issue for the above-identified cases. We exercise our discretion to issue this Order to be filed in each case. The parties are not authorized to use this style heading in any subsequent papers.

<sup>2</sup> This is not an expanded panel. Judges Lee, Kalan, and Wormmeester are the panel in IPR2022-00499. Judges McNamara, Kalan, and Wormmeester are the panel in IPR2022-00595. Judges Easthom, McNamara, and Kalan are the panel in IPR2022-00609.

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## I. INTRODUCTION

With the Board's authorization (*see* Ex. 3001<sup>3</sup>), Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to Terminate Proceeding (Paper 6, "Joint Motion") in each of the above-identified proceedings due to settlement. Along with the Joint Motion, the Parties filed, in each of the above-identified proceedings, a copy of their Settlement Agreement (Ex. 1020), as well as a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 7, "Joint Request") that requests the Board to treat the Settlement Agreement as business confidential information and to keep it separate from the publicly available files in the above-identified proceedings.

## II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified proceedings, that a true copy of the Settlement Agreement has been filed as an exhibit, and that there are no other collateral agreements or understandings. Joint Motion 3–4 (citing Ex. 1020). The Parties also represent that their Settlement Agreement resolves all their disputes relating to the above-identified patents. Joint Motion 4.

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

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<sup>3</sup> We cite to papers and exhibits filed in IPR2022-00499. Similar papers and exhibits were filed in the other identified proceedings.

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to dismiss the petitions and terminate the above-identified proceedings with respect to the Parties.

In the Joint Request, the Parties requested that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the above-identified patents. Joint Request 1. After reviewing the Settlement Agreement, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order 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 in each of the above-identified proceedings is *granted*;

FURTHER ORDERED that the Petition in each proceeding is dismissed, and each of the above-identified proceedings is *terminated*; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information in each of the above-identified proceedings is *granted*, and the Settlement Agreement shall be kept separate from the files of the above-identified 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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