

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-01559
Patent 7,825,537 B2

Before JAMESON LEE, KRISTINA M. KALAN, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

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

I. INTRODUCTION

On April 5, 2023, the parties filed a joint motion to terminate the above-identified proceeding pursuant to a settlement agreement. Paper 8 (Joint Motion to Terminate Proceeding). The parties also filed a copy of their settlement agreement made in connection with the termination of the instant proceeding. Ex. 1037. In a concurrently filed paper, the parties jointly requested the settlement agreement to be treated as business confidential and to be kept separate from the file of the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 9 (Joint Motion to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b)). We authorized the filing of these papers in an e-mail dated April 4, 2023. Ex. 3001.

II. DISCUSSION

The instant proceeding is in an early stage, and the Board has not determined whether to institute trial. The parties represent that Exhibit 1037 is “a true copy” of their settlement agreement, and that the settlement agreement “resolves all underlying disputes between the parties, including this proceeding.” Paper 8, 1. The parties further represent that “there are no collateral agreements or understandings made in connection with or in contemplation of terminating this proceeding.” *Id.* In view of the foregoing, we determine that it is appropriate to dismiss the Petition and terminate the proceeding.

Further, after reviewing the parties’ 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 and to

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keep it separate from the file of the patent in the above-identified proceeding 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 under 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate Proceeding is *granted*, the Petition is *dismissed*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information is *granted*, and the settlement agreement shall be treated as business confidential information, kept separate from the file of the above-identified patent, 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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