

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RIDDELL, INC.,  
Petitioner,

v.

KRANOS IP II CORP.,  
Patent Owner.

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Case IPR2018-01164  
Patent 6,434,755 B1

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Before HYUN J. JUNG, JAMES A. TARTAL, and SCOTT C. MOORE,  
*Administrative Patent Judges.*

TARTAL, *Administrative Patent Judge.*

TERMINATION  
Due to Settlement After Institution of Trial  
*35 U.S.C. § 317; 37 C.F.R. § 42.74*

With our prior authorization, Riddell, Inc. (“Petitioner”) and Kranos IP II Corp. (“Patent Owner”), collectively “the parties,” filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72 (“Motion” or “Mot.,” Paper 23), a Joint Request to Treat Settlement Agreement as Confidential Business Information (“Request,” Paper 24), and a copy of the written settlement agreement of the parties (“Settlement Agreement,” Ex. 2025). For the following reasons, the Motion and the Request are *granted*.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” It is also provided in 35 U.S.C. § 317(a) that, if no petitioner remains in the *inter partes* review, the Office may terminate the review. Additionally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

We instituted trial in this proceeding, therefore, it is subject to termination under 37 C.F.R. § 42.72. *See* Paper 10. A final written decision has not been entered in this proceeding, and we have not decided yet the merits of this proceeding. Notwithstanding that this proceeding has moved beyond the preliminary stage, the parties have shown adequately that the termination of this proceeding is appropriate. The parties represent that the Settlement Agreement is a true and correct copy of the “complete agreement to terminate this proceeding.” Mot. 1. Based on the facts of this proceeding, and in view of the representations made by the parties in the Motion, we are

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persuaded that it is appropriate to terminate this proceeding with respect to both Petitioner and Patent Owner without rendering any further decisions. *See* Mot. 1–2; 37 C.F.R. §§ 42.5(a), 42.72. Therefore, the Motion and the Request are *granted*. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the joint request to treat the Settlement Agreement (Ex. 2025) as business confidential information and for it to be kept separate from the files of the involved patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is *granted*; and,

FURTHER ORDERED that the above-identified proceeding is *terminated* with respect to both Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72.

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