

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LEE SPECIALTIES, INC.,
Petitioner,

v.

FHE USA LLC,
Patent Owner.

IPR2019-01366
Patent 10,030,461 B2

Before JAMES A. TARTAL, MICHAEL L. WOODS, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

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

I. DISCUSSION

Petitioner, Lee Specialties, Inc., and Patent Owner, FHE USA LLC, jointly request to terminate IPR2019-01366 challenging U.S. Patent No. 10,030,461 B2 (“the ’461 patent”). Paper 15 (“Motion”). Along with the Motion, the parties filed what they represent is a true copy of their written settlement agreement. Motion 2; Ex. 1038.

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” Patent Trial and Appeal Board Consolidated Trial Practice Guide 86 (Nov. 2019).¹ In this case, the Board has instituted review but has not yet issued a final written decision. The parties represent that they “have settled their dispute with respect to the ’461 Patent” and that “[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding.” Motion 2. Under these circumstances, we are persuaded that it is appropriate to terminate this proceeding. *See* 37 C.F.R. § 42.74 (2019).

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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II. ORDER

Accordingly, it is:

ORDERED that the joint motion to terminate the proceeding is *granted*; and

FURTHER ORDERED that this proceeding is *terminated*.

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