

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERISTAR PERIMETER SECURITY USA INC., ASSA ABLOY INC.,
and ASSA ABLOY AB,
Petitioner,

v.

RSA PROTECTIVE TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-01369
Patent 8,215,865 B2

Before KEN B. BARRETT, JOHN P. PINKERTON, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

TERMINATION

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

I. INTRODUCTION

Petitioner and Patent Owner (collectively referred to as the “Parties”) filed a Joint Motion to Terminate (“Joint Motion”) the above-identified proceeding due to settlement. Paper 13. In support of the Joint Motion, the Parties filed a Settlement Agreement and Release (“Settlement Agreement”). Ex. 1049. The Parties further filed a Joint Request to Treat Settlement Agreement as Business Confidential Information (“Joint Request”) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 14.

II. DISCUSSION

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.

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true and complete copy. Joint Motion 1. The Parties further represent that the Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above-referenced patent. *See id* at 4.

We instituted trial on the above-identified proceeding. Paper 11. We have not yet decided the merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the proceeding has moved beyond the preliminary stage, the Parties have shown adequately that

termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent involved in this *inter partes* review proceeding. Paper 14, 1. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information of the Parties regarding the terms of settlement. Accordingly, 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 to Terminate is *granted*, and IPR2020-01369 is *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement as Business Confidential Information is *granted*, and the Settlement Agreement (Exhibit 1049) shall be kept separate from the file of U.S. Patent 8,215,865 B2, 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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Patent 8,215,865 B2

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