

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION,
Petitioner,

v.

CROGA INNOVATIONS LTD.,
Patent Owner.

IPR2025-00380
Patent 10,601,780 B2

Before TERRENCE W. McMILLIN, KEVIN C. TROCK, and
RUSSELL E. CASS, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

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

I. DISCUSSION

With the Board's authorization, Petitioner and Patent Owner (collectively "the Parties") filed a Joint Motion to Terminate Proceeding due to settlement. Paper 8 ("Joint Motion"). In support of the Joint Motion, the Parties filed a Confidential Settlement Agreement (Ex. 1020 ("Settlement Agreement")), as well as a Joint Request to Treat the Settlement Agreement as Business Confidential Information (Paper 9 ("Joint Request")) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination¹ 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 they "have reached a settlement as to all the disputes in this proceeding and as to [US Patent No. 10,601,780]" and that "the documents filed as Exhibit 1020 represent all agreements made in connection with, or in contemplation of, the termination of this proceeding." *Id.* at 2

The Petition (Paper 2) in this proceeding was filed on December 30, 2024. We have not yet decided whether to institute an *inter partes* review based upon the Petition and the Parties have shown adequately that the dismissal of the Petition and the proceeding is appropriate. Under these circumstances, we determine that good cause exists to dismiss the Petition

¹ Dismissal of the Petition and this proceeding is more appropriate than termination as trial has not been instituted. Dismissal of the Petition means that the Petition will not be considered and no *inter partes* review will be instituted based upon the Petition. Accordingly, dismissal of the Petition and the proceeding means that, absent further order, all action with regard to the Petition and the proceeding is terminated.

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and the proceeding.

After reviewing the Settlement Agreement between Petitioner and Patent Owner, 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 between Petitioner and Patent Owner 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).

II. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceeding (Paper 8) is *granted*, and the Petition and IPR2025-00380 are hereby *dismissed*; and

FURTHER ORDERED that the Joint Request (Paper 9) to Treat the Settlement Agreement (Ex. 1020) as Business Confidential Information is *granted*, and the Settlement Agreement shall be kept separate from the files of US Patent No. 10,601,780 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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