

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRUTEK CORP.,
Petitioner,

v.

MATRIX INITIATIVES, INC.,
Patent Owner.

PGR2021-00005
Patent 10,736,931 B2

Before ERICA A. FRANKLIN, ULRIKE W. JENKS, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

JUDGMENT

Dismissing the Petition and Terminating the Proceeding
37 C.F.R. §§ 42.71(a), 42.72, 42.74

PGR2021-00005
Patent 10,736,931 B2

With authorization of the Board, the parties filed a joint motion to dismiss the petition. Paper 7. The parties explain that dismissal is appropriate because they have reached an agreement that “completely resolves all pending controversies between the Patent Owner and the Petitioner concerning [US Patent 10,736,931 B2].” *Id.* at 2.

The parties have filed a true copy of their written settlement agreement, Paper 8, and they “certify that there are no other agreements or understandings, oral or written, between them, including any collateral agreements, made in connection with, or in contemplation of, the dismissal of the present proceeding as set forth in 35 U.S.C. § 327(b),” Paper 7, 2. In the joint motion, the parties explain also that a joint motion to dismiss the related district court litigation, *Trutek Corp. v. Matrixx Initiatives, Inc.*, Case No. 3:19-cv-17647-BRM-ZNQ (D.N.J. Sept. 5, 2019), is being filed in light of the settlement. Paper 7, 3–4.

The parties correctly note that a Decision on Institution for this proceeding has not been entered and the merits of the proceeding have not been decided. *Id.* at 3.

Based on the foregoing, pursuant to 37 C.F.R. §§ 42.71(a), 42.72, and 42.74, we determine that it is appropriate to dismiss the petition and terminate the proceeding.

Additionally, the parties filed a joint request that the settlement agreement be treated as business confidential information and kept separate from the file of the involved patent. Paper 9. Pursuant to 35 U.S.C § 327(b) and 37 C.F.R. § 42.74, that request is granted also.

PGR2021-00005
Patent 10,736,931 B2

ORDER

In accordance with the foregoing, it is hereby:

ORDERED that the joint motion to dismiss the petition is *granted*;

FURTHER ORDERED that the joint request for the settlement agreement, Paper 8, to be treated as business confidential information and kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the proceeding is *terminated*.

PETITIONER:

Stanley Kremen
uspto@patentsgroup.com

PATENT OWNER:

Michael Dokhanchy
Reza.dokhanchy@kirkland.com