

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STEPHANIE BARNARD DESIGNS, INC.,
Petitioner,

v.

ELLISON EDUCATIONAL EQUIPMENT, INC.,
Patent Owner.

IPR2020-00150
Patent 9,079,325 B2

Before MEREDITH C. PETRAVICK, PATRICK R. SCANLON, and
SCOTT A. DANIELS, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

On May 7, 2020, pursuant to our authorization, Petitioner, Stephanie Barnard Designs, Inc., and Patent Owner, Ellison Educational Equipment, Inc., filed a Joint Motion to Terminate this proceeding. Paper 13 (“Mot.”). With the Joint Motion, the parties filed a true and correct copy of their written settlement agreement memorializing the resolution of their disputes. Ex. 1035 (“Settlement Agreement”). The parties also filed a Joint Request that the Settlement Agreement be treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 14.

In the Joint Motion, the parties represent that they have resolved their dispute in this proceeding. Mot. 1. The parties also represent that they have resolved the only other dispute between them. *Id.* (citing *Ellison Educ. Equip., Inc. v. Stephanie Barnard Designs, Inc.*, 8:18-cv-02043). Furthermore, the parties represent that they have agreed to terminate this proceeding and have no other collateral agreements or understandings in connection with, or in contemplation of, the termination of this proceeding. *Id.* at 2.

This proceeding is at an early stage, as the Board has not yet made a decision whether to institute an *inter partes* review. Under these circumstances, and in view of the parties’ representations in the Joint Motion, we determine that it is appropriate to terminate this proceeding.

We also determine that it is appropriate that the Settlement Agreement be treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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Accordingly, it is:

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

FURTHER ORDERED that the parties' Joint Request is *granted*, and the Settlement Agreement (Exhibit 1035) be treated as confidential business information and kept separate from the patent file.

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