

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LCY BIOTECHNOLOGY HOLDING, INC.,
Petitioner,

v.

RADICI CHIMICA S.P.A.,
Patent Owner.

PGR2024-00044
Patent 11,781,148 B2

Before DEBORAH KATZ, SUSAN L. C. MITCHELL, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge*.

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

I. INTRODUCTION

With Board authorization, the parties filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 327 in the above-identified proceeding. (*See* Paper 6.) The parties also filed a confidential Settlement and Patent Assignment Agreement (“Settlement Agreement,” Ex. 1077). The parties jointly request that the Settlement Agreement be treated as business confidential information, that it be maintained separate from the publicly available file, and that it be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). (*See* Paper 7.)

II. DISCUSSION

The parties’ Joint Motion to Terminate states that the parties have reached settlement to resolve their disputes and terminate with respect to this post-grant review and with respect to the subject patent, U.S. Patent 11,781,148. (*See* Paper 6.) The Joint Motion to Terminate also indicates that the parties filed “[a] true and correct copy of the parties’ settlement agreement” as Exhibit 1077. (*Id.* at 7.)

A decision on whether to institute a trial in this proceeding has not been issued. In view of the early stage of the proceeding and the settlement between the parties, it is appropriate to dismiss the Petition and terminate the proceedings. Furthermore, after reviewing the parties’ Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement, and good cause exists to treat it as business confidential information and to keep it separate from the file of the

patent in the above captioned proceeding pursuant to 37 C.F.R. § 42.74(c).

This Decision is not a final written decision under 35 U.S.C. § 328(a).

III. ORDER

Accordingly, it is ORDERED that the Joint Motion to Terminate is granted, the Petition is dismissed, and the proceeding is terminated; and

It is FURTHER ORDERED that the Joint Request To Treat Settlement Agreement As Business Confidential Information is granted and the Settlement Agreement shall be kept separate from the file of the above-captioned proceeding and available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

PGR2024-00044
Patent 11,781,148 B2

FOR PETITIONER:

Mackenzie Martin
Jessica Greenwald
Dorian Ojemen
John G. Flaim
BAKER & MCKENZIE LLP
mackenzie.martin@bakermckenzie.com
jessica.greenwald@bakermckenzie.com
dorian.ojemen@bakermckenzie.com
john.flaim@bakermckenzie.com

FOR PATENT OWNER:

Patrick Doody
Robert M. Bedgood
PILLSBURY WINTHROP SHAW PITTMAN LLP
Patrick.doody@pillsburylaw.com
robert.bedgood@pillsburylaw.com

cu