

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PUMA NORTH AMERICA, INC.,
Petitioner,

v.

NIKE, INC,
Patent Owner.

IPR2019-01059 (Patent 9,375,046 B2)
IPR2019-01060 (Patent 9,078,488 B1)
IPR2019-01190 (Patent 10,070,679 B1)
IPR2019-01342 (Patent 10,098,411 B2)

Before SCOTT A. DANIELS, MITCHELL G. WEATHERLY, CARL M. DEFRANCO, AMANDA F. WIEKER, MATTHEW S. MEYERS, and STEPHEN E. BELISLE, *Administrative Patent Judges*.¹

WIEKER, *Administrative Patent Judge*.

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

¹ This is not an expanded panel. Each proceeding is assigned to a three-judge panel, each of which has opted to enter a consolidated Decision in these proceedings. The parties are not authorized to file any papers with a similar caption.

IPR2019-01059 (Patent 9,375,046 B2)
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On December 2, 2019, with Board authorization, Petitioner and Patent Owner filed a joint motion to dismiss the petition and terminate the above-captioned proceedings. Paper 7.² Along with the motion, the parties filed a copy of a Settlement Agreement (Paper 8), as well as a joint request to treat the Settlement Agreement as business confidential information. Paper 9; *see* 37 C.F.R. § 42.74(c) (a party to a settlement may request that the settlement agreement be treated as business confidential and be kept separate from the patent file).

In the joint motion, the parties state that they have settled their dispute and have reached an agreement to request dismissal of the petitions and termination of these proceedings. Paper 7, 2–3. Each case is in a preliminary stage. We have not yet issued decisions regarding whether to institute trial. Accordingly, in the circumstances present here, we determine that it is appropriate to dismiss these petitions and terminate these proceedings. *See* 37 C.F.R. §§ 42.71(a), 42.74.

The parties also ask that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the challenged patents. Paper 9. We determine that it is appropriate to treat the Settlement Agreement as business confidential information, and to keep that document separate from the files of the challenged patents, pursuant to 37 C.F.R. § 42.74(c).

² Paper and exhibit numbers refer to IPR2019-01059. Substantially identical papers and exhibits are in the record of each proceeding. IPR2019-01060, Papers 8–10; IPR2019-01190, Papers 7–9; IPR2019-01342, Papers 7–9.

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For the foregoing reasons, it is:

ORDERED that the joint motions (IPR2019-01059, Paper 7; IPR2019-01060, Paper 8; IPR2019-01190, Paper 7; IPR2019-01342, Paper 7) are granted and the petitions are dismissed and these proceedings are terminated with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the joint requests (IPR2019-01059, Paper 9; IPR2019-01060, Paper 10; IPR2019-01190, Paper 9; IPR2019-01342, Paper 9) that the Settlement Agreement (IPR2019-01059, Paper 8; IPR2019-01060, Paper 9; IPR2019-01190, Paper 8; IPR2019-01342, Paper 8) be treated as business confidential information, to be kept separate from the patent file, are granted in these proceedings.

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