

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

IFIT, INC.,
Patent Owner.

IPR2021-00342 (Patent 7,166,062 B1)
IPR2022-00029 (Patent 7,166,062 B1)
IPR2022-00030 (Patent 7,166,062 B1)¹

Before GEORGE R. HOSKINS, JAMES A. WORTH, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

TERMINATION

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

ORDER

*Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information*

¹ This Order is being filed in each proceeding listed in the caption. The parties may use this style caption only if the paper includes a statement certifying that the identical paper is being filed in each proceeding listed in the caption.

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I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that these three *inter partes* review proceedings be terminated pursuant to a settlement. On May 26, 2022, the Parties filed a Joint Motion to Terminate Proceeding (IPR2021-00342, Paper 49, “Joint Motion”)² in each of these three proceedings. The Parties previously sought authorization to file the Joint Motions and received that authorization via email on May 25, 2022. Joint Motion 1. The Parties also filed a copy of a settlement agreement (Ex. 1032, “Settlement Agreement”) and filed a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 51, “Joint Request”) in each of the proceedings.

II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the Parties represent that they have reached an agreement to resolve all of their present disputes regarding the ’062 patent, that the filed copy of the Settlement Agreement is a true and correct copy, and that “there are no other agreements, oral or written, between the parties

² For expediency, we cite to the Papers and Exhibits filed in IPR2021-00342. Similar Papers and Exhibits were filed in IPR2022-00029 and in IPR2022-00030.

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made in connection with, or in contemplation of, the termination of the proceeding.” Joint Motion 1, 3–4.

We have not yet decided the merits in any of these three proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown adequately that termination of all three proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate these three proceedings with respect to the Parties.

The Parties also requested that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the ’062 patent. Joint Request 1. After reviewing the Settlement Agreement, 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 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).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions are *granted*, and IPR2021-00342, IPR2022-00029, and IPR2022-00030, are each *terminated* with respect to Petitioner and Patent Owner, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Requests are *granted*, and the Settlement Agreement shall be kept separate from the file of U.S. Patent No. 7,166,062 B1 and made available only to Federal Government agencies

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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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