

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SCHLUMBERGER TECHNOLOGY CORP.,
Petitioner,

v.

HALLIBURTON ENERGY SERVICES, INC.,
Patent Owner.

Case IPR2018-00736
Patent 7,228,904 B2

Before JOSIAH C. COCKS, JAMES J. MAYBERRY, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

TERMINATION
Dismissing the Petition
37 C.F.R. §§ 42.5(a), 42.71(a)

On March 5, 2018, Petitioner, Schlumberger Technology Corp. filed a petition (the “Petition”) seeking *inter partes* review of claims 1–20 of U.S. Patent No. 7,228,904 (the “’904 patent”). Paper 1, 1.¹ Haliburton Energy Services, Inc. filed mandatory notices pursuant to 37 C.F.R. § 42.8 identifying itself as the Patent Owner of the ’904 patent. Paper 5, 1. On May 25, 2018, the parties filed a Joint Motion to Terminate Proceedings (Paper 12², the “Joint Motion”) and a Joint Request to [Treat] Settlement Agreement as Business Confidential Information (Paper 9). The Board authorized this motion in an email communication to the parties on May 24, 2018.

Along with the Joint Motion, the parties filed a true and correct copy of their written settlement agreement covering the ’904 patent (Exhibit 2001, the “Settlement Agreement”). In the Joint Motion, the parties indicate that they have reached an agreement regarding all of their disputes involving the ’904 patent. Paper 12, 2. The parties represent that:

Other than as indicated in the [Settlement] Agreement, there are no written or oral agreements or understandings, including any collateral agreements, between the parties, including but not limited to licenses, covenants not to sue, confidentiality agreements, or other agreements of any kind, that are made in connection with, or in contemplation of, the termination of this proceeding.

¹ The Petition identifies Schlumberger Holdings Corporation, Schlumberger B.V., Schlumberger, Ltd., Schlumberger Services, Inc., Compagnie d’Operations Petrolieres Schlumberger, Services Petrolier Schlumberger SA, and Schlumberger SA as real-parties-in-interest. Paper 1, 2.

² Paper 12 is the public version of the Joint Motion. A confidential version was filed as Paper 8.

Id. The parties indicate that termination is proper, “because this proceeding is still in its early stages before institution, with the patent owner preliminary response not due until June 14, 2018.” Paper 12, 3. The parties further assert that they “are unaware of any other matter before the USPTO that would be affected by the outcome of this proceeding.” *Id.*

There are strong public policy reasons to favor settlement between the parties to a proceeding. *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). When, as here, we have not yet instituted trial, we generally expect that the proceeding will terminate after the filing of a settlement agreement. *See id.*

Based on the preceding, we determine that it is appropriate to dismiss the Petition without rendering a decision on whether to institute trial.

ORDER

In consideration of the foregoing, it is

ORDERED that, as was timely requested by the parties, the Settlement Agreement (Exhibit 2001) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and be kept separate from the file of U.S. Patent No. 7,228,904 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause; and

FURTHER ORDERED that the Joint Motion to Terminate Proceedings is GRANTED and the Petition is hereby DISMISSED.

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PETITIONER:

Michael L. Kiklis
Lisa M. Mandrusiak
Tia D. Fenton
OBLON, MCCLELLAND, MAIER & NEUSTADT, LLP
cpdocketkiklis@oblon.com
cpdocketmandrusiak@oblon.com
cpdocketfenton@oblon.com

Jonathan M. Strang
LATHAM & WATKINS LLP
jonathan.strang@lw.com

PATENT OWNER:

Christopher D. Bright
Daniel Bucca
Claine Snow
McDERMOTT WILL & EMERY LLP
cbright@mwe.com
dbucca@mwc.com
csnow@mwe.com