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Paper No. 8
Entered: November 5, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ULTERRA DRILLING TECHNOLOGIES, L.P.,
Petitioner,

v.

BAKER HUGHES, A GE COMPANY, LLC,
Patent Owner.

IPR2018-01572 and IPR2018-01573 (Patent 6,298,930 B1)
IPR2018-01575 (Patent 6,460,631 B2)
IPR2018-01591 (Patent 7,096,978 B2)
IPR2018-01593 and IPR2018-01595 (Patent 6,779,613 B2)
IPR2018-01624 and IPR2018-01625 (Patent 7,762,355 B2)
IPR2018-01662 (Patent 6,935,441 B2)
IPR2018-01691 (Patent 6,575,256 B1)

Before BEVERLY M. BUNTING, JAMES J. MAYBERRY, and RYAN H. FLAX, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

ORDER[1]
Granting Joint Motion to Terminate Proceeding Due to Settlement before Institution and
Granting Joint Motion to Request that Settlement Agreement be Treated as Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

Per our authorization provided on October 9, 2018, the parties filed a Joint Motion to Terminate the above-identified *inter parties* review proceedings (Paper 6,[2] "Joint Motion to Terminate") and a Joint Motion to Request that Settlement Agreement be Treated as Business Confidential Information and Kept Separate (Paper 7, "Joint Request"). Pursuant to 37 C.F.R. § 42.74(b), the parties also filed a true copy of their written settlement agreement (Ex. 2002) in each proceeding. *See* Paper 6, 3 ("[T]he parties' settlement agreement is in writing, and a true and correct copy is being filed concurrently herewith as Exhibit 2002.").

II. DISCUSSION

In the Joint Motion to Terminate, the parties represent that they "have settled their dispute and executed a settlement agreement to terminate this

[1] This Order addresses the same issue in the proceedings listed above. So we issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style of filing.
[2] We cite to the record in IPR2018-01572. Similar documents were filed in each of the proceedings to which this Order applies.

proceeding and the parties' related district court litigation." *Id.* The parties indicate that "[t]he District Court's Order from October 2, 2018 (Dkt. No. 39) is being filed concurrently herewith as Exhibit 2001." *Id.* The parties also represent that termination of each of the above-identified proceedings is appropriate "because the Board has neither instituted an *inter partes* review trial nor decided the merits of the proceeding[s]," and they "are unaware of any other matter before the USPTO that would be affected by the outcome of th[ese] proceeding[s]." Paper 6, 4.

These proceedings are at an early stage, and we have not yet decided whether to institute a trial in any of these proceedings. In view of the early stage of these proceedings and the settlement between the parties, we determine that good cause exists to terminate these proceedings with respect to the parties. *See* 35 U.S.C. § 317(a) ("An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.").

The parties also filed a joint motion to request that the settlement agreement be treated as business confidential information and be kept separate from the file of the respective patents involved in each of the above-identified *inter partes* review proceedings. Paper 7. After reviewing the settlement agreement between the parties, 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 between the parties as business confidential information pursuant to 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, it is:

ORDERED that, as was timely requested by the parties, the settlement agreement (IPR2018-01572, Ex. 2002; IPR2018-01573, Ex. 2002; IPR2018-01575, Ex. 2002; IPR2018-01591, Ex. 2002; IPR2018-01593, Ex. 2002; IPR2018-01595, Ex. 2002; IPR2018-01624, Ex. 2002; IPR2018-01625, Ex. 2002; IPR2018-01662, Ex. 2002; and IPR2018-01691, Ex. 2002) shall be treated as business confidential information and kept separate from the files of U.S. Patent 6,298,930 B1, U.S. Patent 6,460,631 B2, U.S. Patent 7,096,978 B2, U.S. Patent 6,779,613 B2, U.S. Patent 7,762,355 B2, U.S. Patent 6,935,441 B2, and U.S. Patent 6,575,256 B1, pursuant to 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the Joint Motions to Terminate these proceedings are *granted*, and the petitions for these proceedings are hereby *dismissed*.

IPR2018-01572 and IPR2018-01573 (Patent 6,298,930 B1)
IPR2018-01575 (Patent 6,460,631 B2)
IPR2018-01591 (Patent 7,096,978 B2)
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IPR2018-01624 and IPR2018-01625 (Patent 7,762,355 B2)
IPR2018-01662 (Patent 6,935,441 B2)
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