

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NANOPRECISION PRODUCTS, INC.,
Petitioner,

v.

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE LTD.,
Respondent.

Case DER2015-00009
Petitioner Application 14/695,008
Respondent Application 13/658,379

Before JAMES T. MOORE, JONI Y. CHANG, and JUSTIN T. ARBES,
Administrative Patent Judges.

ARBES, *Administrative Patent Judge.*

DECISION

Granting Joint Motion to Terminate and Request to Treat
Settlement Agreement and Supply Agreement
as Business Confidential Information

On October 25, 2017, the parties filed a joint motion to terminate the instant proceeding on the basis of a settlement reached by the parties. *See* Paper 12 (“Mot.”); 37 C.F.R. §§ 42.74, 42.409. The parties also filed a copy of their written settlement agreement (Ex. 1038) and supply agreement (Ex. 1039) and a request (Paper 13) that the agreements be treated as business confidential information under 35 U.S.C. § 135(e) and 37 C.F.R. § 42.74(c). The parties state in the joint motion that they “have agreed to amend the inventorship of” Respondent’s U.S. Patent Application No. 13/658,379 (“the ’379 application”), the ’379 application will be assigned to Petitioner, the related district court case between the parties was dismissed with prejudice, and the parties will file a joint motion to dismiss the related state court case. Mot. 2–5. We have not determined whether to institute a derivation proceeding. Given these facts, we determine that it is appropriate to terminate the proceeding at this time and under these circumstances.

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ joint request (Paper 13) that the settlement agreement (Ex. 1038) and supply agreement (Ex. 1039) be treated as business confidential information, kept separate from the files of U.S. Patent Application No. 14/695,008 and U.S. Patent Application No. 13/658,379, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 135(e) and 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that the joint motion to terminate the instant proceeding (Paper 12) is *granted* and the proceeding is hereby *terminated*.

DER2015-00009

Petitioner Application 14/695,008

Respondent Application 13/658,379

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