

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GILAT SATELLITE NETWORKS LTD.,
Petitioner,

v.

MISSION TECHNOLOGY SOLUTIONS LLC,
Respondent.

Case DER2017-00033
Petitioner Application 15/449,128
Respondent Patent 9,793,932 B2

Before SALLY C. MEDLEY, 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 as
Business Confidential Information

On June 15, 2018, we exercised exclusive jurisdiction over Petitioner's involved application, U.S. Patent Application No. 15/449,128 ("the '128 application"), and Respondent's involved patent, U.S. Patent No. 9,793,932 B2 ("the '932 patent"), under 37 C.F.R. § 42.3(a) for the purpose of determining whether to institute a derivation proceeding. Paper 15. Petitioner subsequently filed a motion to seal previously-filed Exhibits 1001, 1005, and 1006, Respondent filed an opposition, and Petitioner filed a reply.¹ See Papers 16–18.

On October 24, 2018, the parties filed a joint motion to terminate this proceeding on the basis of a settlement reached by the parties. See Paper 21 ("Mot."); 37 C.F.R. §§ 42.74, 42.409. The parties also filed a copy of their written settlement agreement (Exhibit 2001) and a request (Paper 22)² that the agreement 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 entered into a settlement agreement that "resolves all underlying disputes between the parties" and reflects the parties' agreement to "amend [the] inventorship of" Respondent's '932 patent. Mot. 2. We have not yet determined whether to institute a derivation proceeding. Given these facts, we determine that it is appropriate to terminate the proceeding at

¹ Petitioner also filed redacted and clean versions of Exhibit 1001 as Papers 19 and 20, respectively.

² The parties mistakenly filed the joint motion and request as "Parties and Board Only" rather than "Public" in the Patent Trial and Appeal Board End to End (PTAB E2E) system. The designation for each paper will be corrected.

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this time and under these circumstances, which renders moot Petitioner's pending motion to seal.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motion to seal (Paper 16) is *dismissed* as moot;

FURTHER ORDERED that Paper 20 and Exhibits 1001, 1005, and 1006 will be expunged from the record of this proceeding, and the parties' joint motion and request (Papers 21 and 22) will be made publicly available, unless either party notifies the Board, by email to *Trials@uspto.gov* by October 31, 2018, that it objects to doing so;

FURTHER ORDERED that the parties' joint request (Paper 22) that the settlement agreement (Exhibit 2001) be treated as business confidential information, kept separate from the files of the '128 application and the '932 patent, 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*;

FURTHER ORDERED that the joint motion to terminate this proceeding (Paper 21) is *granted* and the proceeding is hereby *terminated*;

FURTHER ORDERED that jurisdiction over the '128 application and the '932 patent is hereby returned to the appropriate officials under the Commissioner for Patents; and

FURTHER ORDERED that a copy of this Order be placed in the files of the '128 application and the '932 patent.

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