

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERNGECO LLC,
Petitioner,

v.

PGS GEOPHYSICAL AS,
Patent Owner.

Case IPR2015-00317
Patent 6,925,386

Before JUSTIN BUSCH, MITCHELL G. WEATHERLY, and
BEVERLY M. BUNTING, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
37 C.F.R. §§ 42.71, 42.72, 42.74

On May 22, 2015, WesternGeco LLC, and PGS Geophysical AS (collectively referred to as “the Parties”) filed a joint motion to terminate this *inter partes* review involving Patent 6,925,386 (“the ’386 Patent”). Paper 10 (“Joint Motion to Terminate Proceeding”). Authorization to file the motion was given in a phone conference between the Board and the Parties on May 22, 2015. Paper 9. Along with the Joint Motion to Terminate Proceeding, the Parties filed a copy of their written settlement agreement (Ex. 1022), as well as a joint request (Paper 11) to have their settlement agreement treated as business confidential information under C.F.R. § 42.74(c). The Parties state in their Joint Motion to Terminate Proceeding that termination is appropriate because the parties have resolved their dispute as to the ’386 patent, and that:

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.

Paper 10, 1.

The Parties are reminded that the Board is not a party to the settlement, and may identify independently any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012).

This proceeding is still in the preliminary stages¹, Patent Owner, waived filing a Preliminary Response on March 9, 2015 (Paper 7) and the Board has not issued yet a decision to institute an *inter partes* review. As to other district court litigation involving the subject patent, the Parties indicate that they “filed a stipulation dismissing with prejudice the infringement counterclaim relating to U.S. Pat. No. 6,925,386 (the patent at issue in this proceeding).” Paper 10, 2.

Under the circumstances, based on the record before us, the Board determines that it is appropriate to terminate this proceeding without rendering either a decision to institute or a final written decision and treat the settlement agreement as business confidential information. *See* 37 C.F.R. § 42.74(c).

ORDER

In consideration of the foregoing, it is

ORDERED that the Parties’ joint request that the settlement agreement (Exhibit 1022) be treated as business confidential information under 37 C.F.R. § 42.74(c), to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the Joint Motion to Terminate the Proceeding is GRANTED; and

FURTHER ORDERED that this proceeding is TERMINATED.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

Case IPR2015-00317

Patent 6,925,386

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