

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKHAWK SPECIALITY TOOLS, LLC,
Petitioner,

v.

WEATHERFORD INTERNATIONAL, LLC,
Patent Owner.

Case IPR2015-00892
Patent 5,575,333

Before MEREDITH C. PETRAVICK, JAMES P. CALVE, and
JAMES A. WORTH, *Administrative Patent Judges*.

WORTH, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. § 42.74

Pursuant to our e-mail authorization, on October 6, 2015, the parties filed a Joint Motion to Terminate Proceedings (Paper 17, "Joint Mot.") pursuant to 35 U.S.C. § 317(a), as well as 37 C.F.R. §§ 42.72 and 42.74(a). Contemporaneously, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R.

§ 42.74(c), the parties filed a Joint Request that the Termination Agreement Be Treated as Business Confidential Information and Kept Separate (Paper 18), including true copies of a Settlement Agreement (Ex. 1014, referred to by the parties as a “Termination Agreement” or “Agreement”).

The parties previously have identified a related, co-pending U.S. litigation between the parties (Pet. 1; Paper 5, 1; Prelim. Resp. 3 n.1) and now inform us that “the district court has recently confirmed the dismissal of the pending action between Weatherford and Blackhawk involving the ‘333 Patent.” Joint Mot. 5. Further, the parties inform us that “[o]ther than as indicated in the 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 agreements of any kind, that are made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 4. Thus, we understand that the filed agreement settles all disputes between the parties with respect to this proceeding. Under these circumstances, we determine that good cause exists to terminate this proceeding, without rendering a final written decision.

ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that Joint Request that the Termination Agreement Be Treated as Business Confidential Information and Kept Separate is *granted*;

IPR2015-00892
Patent 5,575,333

FURTHER ORDERED that the Termination Agreement included in Ex. 1014 shall be treated as business confidential information, to be kept separate from the patent file; and

FURTHER ORDERED that the case is *terminated*.

PETITIONER:

Robert McAughan
bmcaughan@smd-iplaw.com

David Terrell
dterrell@smd-iplaw.com

PATENT OWNER:

Mark T. Garrett
mark.garrett@nortonrosefulbright.com

W. Andrew Liddell
andrew.liddell@nortonrosefulbright.com

Charles B. Walker, Jr.
charles.walker@nortonrosefulbright.com