

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BASINTEK LLC,
Petitioner,

v.

SMITH INTERNATIONAL, INC.,
Patent Owner.

Case IPR2016-01686
Patent 9,393,648

Before BARRY L. GROSSMAN, BEVERLY M. BUNTING, and
MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

ORDER
Dismissing Petition Pursuant to Settlement
37 C.F.R. §42.71(a)

On November 17, 2016, Petitioner, Basintek LLC, and Patent Owner, Smith International, Inc. (“Smith”), (collectively referred to as “the Parties”), filed a Joint Motion to Terminate Proceeding of the *inter partes* review of U.S. Patent No. 9,393,648 (“the ’648 Patent”), pursuant to 35 U.S.C. § 317(a). Paper 8 (“Joint Motion to Terminate”).¹

The parties indicated in their Joint Motion to Terminate that termination is appropriate because they “have settled their dispute, and have reached agreement to terminate this *Inter Partes* Review.” Paper 8, 1. Along with the Joint Motion to Terminate, the Parties also filed a true copy of a “Settlement Agreement and Patent License” (Ex. 1010, “Settlement Agreement”), as well as a Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (Paper 9, “Request”).

Smith has not filed a preliminary response, and we have not considered the merits of the Petition. Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Further, we grant the Parties’ request that the Settlement Agreement be treated as business confidential information under 37 C.F.R. § 42.74(c).

Accordingly, it is:

ORDERED that the Joint Motion to Terminate (Paper 8) is *granted*, and this proceeding is hereby *dismissed*; and

¹ Filing of the Joint Motion to Terminate was authorized in e-mail correspondence from Board personnel on November 16, 2016.

FURTHER ORDERED that the Request (Paper 9) is *granted* and that the Settlement Agreement (Ex. 1010) will be treated as business confidential information under 37 C.F.R. § 42.74(c).

For PETITIONER:

Gregory L. Porter
pat-tm@andrewskurth.com

Lloyd L. Davis
leedavis@andrewskurth.com

For PATENT OWNER:

John Keville
jkeville@winston.com

J. Dean Lechtenberger
jlechtenberger@winston.com