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Paper No. 11
Entered: October 15, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIAMOND OFFSHORE DRILLING, INC., AND
DIAMOND OFFSHORE COMPANY,
Petitioner,

v.

TRANSOCEAN OFFSHORE DEEPWATER DRILLING INC.,
Patent Owner.

IPR2018-01174 (Patent 6,047,781)
IPR2018-01175 (Patent 6,068,069)
IPR2018-01176 (Patent 6,085,851)
IPR2018-01177 (Patent 6,056,071)

Before WILLIAM V. SAINDON and TIMOTHY J. GOODSON,
Administrative Patent Judges.

PER CURIAM.

ORDER
Granting Joint Motion to Terminate Proceeding Due to
Settlement before Institution and
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively referred to as "the Parties") have requested that the above-identified *inter partes* review proceedings be terminated pursuant to a settlement. On September 27, 2018, we authorized the Parties to file joint motions to terminate the proceedings. On September 27, 2018, the Parties filed Joint Motions to Terminate the above-identified proceedings (collectively "Joint Motions"). Paper 9.[1] Along with the Joint Motions, the Parties filed copies of a Confidential Settlement and License Agreement ("Settlement Agreement") (Ex. 1061),[2] as well as Joint Requests to Treat the Settlement Agreement as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (collectively "Joint Requests") (Paper 10).[3]

II. DISCUSSION

In the Joint Motions, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, and that the filed copies of the Settlement Agreement are true and complete copies. Paper 9, 2. The Parties further represent that their Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the above-

[1] For purposes of expediency, we cite to the paper filed in IPR2018-01174. Similar papers were filed in IPR2018-01175 (Paper 8), IPR2018-01176 (Paper 6), and IPR2018-01177 (Paper 6).
[2] The Parties also filed copies of the Settlement Agreement in IPR2018-01175 (Ex. 1061), IPR2018-01176 (Ex. 1061), and IPR2018-01177 (Ex. 1061).
[3] The Parties filed similar Joint Requests in IPR2018-01175 (Paper 9), IPR2018-01176 (Paper 7), and IPR2018-01177 (Paper 7).

identified patents at issue. *Id.*

These proceedings are at an early stage, and we have not yet decided whether to institute a trial in any of these proceedings. In view of the early stage of these proceedings and the settlement between the Parties, we determine that good cause exists to terminate these proceedings with respect to the Parties.

The Parties also filed Joint Requests that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the respective patents involved in these *inter partes* proceedings. Paper 10, 2. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions to Terminate are *granted*, and IPR2018-01174, IPR2018-01175, IPR2018-01176, and IPR2018-01177 are *terminated*;

FURTHER ORDERED that the Joint Requests to Treat the Settlement Agreement as Business Confidential Information are *granted*, and the Settlement Agreement shall be kept separate from the files of Patent

6,047,781, Patent 6,068,069, Patent 6,085,851, and Patent 6,056,071 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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