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Paper 10
Entered: March 26, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STAGE COMPLETIONS INC. and
STAGE COMPLETIONS (USA) CORP.,
Petitioners,

v.

GRYPHON OILFIELD SOLUTIONS, LLC,
Patent Owner.

Case IPR2018-01181
Patent 9,739,117 B2

Before BENJAMIN D. M. WOOD, BARRY L. GROSSMAN, and JASON W. MELVIN, *Administrative Patent Judges.*

WOOD, *Administrative Patent Judge*.

ORDER

Terminating Trial
35 U.S.C. § 317(a); 37 C.F.R. §§ 42.71(a), 42.72, 42.74(b)

Granting Joint Request to Treat Settlement Agreement
as Business Confidential Information
35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c)

Pursuant to our email authorization of March 11, 2019, Petitioners Stage Completions and Stage Completions (USA) Corp. and Patent Owner Gryphon Oilfield Solutions, LLC (collectively, "the parties") filed a Joint Motion to Terminate Proceeding (Paper 9, "Joint Motion"), and a Joint Request to File Agreement as Business Confidential Information (Paper 8, "Joint Request"). The parties also filed a copy of a written settlement agreement. Ex. 2001. The parties certify that there are no other collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding. Joint Motion, 6.

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." Generally, the Board expects that a proceeding will terminate as to settling parties after the filing of a settlement agreement. *See, e.g.*, *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). In this case, the Board has instituted review, but has not yet issued a final written decision. Under these circumstances, we are persuaded that it is appropriate to terminate this proceeding. We also determine that it is appropriate to treat the settlement agreement (Ex. 2001) as business confidential information, and to keep it separate from the files of U.S. Patent No. 9,739,117 B2.

Accordingly, it is:

ORDERED that the Joint Motion to Terminate the proceeding is *granted*, and the proceeding is hereby TERMINATED; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information is *granted*, that the

settlement agreement, Ex. 2001, remain designated as "Parties and Board Only" in the Board's filing system, and that it be kept separate from the files of U.S. Patent No. 9,739,117 B2.

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