

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PSI PRESSURE SYSTEMS LLC,
Petitioner,

v.

NLB CORP.,
Patent Owner.

Case IPR2019-01031
Patent 7,121,812 B2

Before MEREDITH C. PETRAVICK, FRANCES L. IPPOLITO, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION

Termination of the Proceeding Due to Settlement
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

On January 27, 2020, pursuant to our e-mail authorization, PSI Pressure Systems LLC (“Petitioner”) and NBL Corp. (“Patent Owner”) filed a Joint Motion to Terminate *inter partes* review of U.S. Patent 7,121,812 B2 (“the ’812 patent”). Paper 11 (“Joint Motion”). With the Joint Motion, the parties filed a copy of the written settlement agreement and term sheet memorializing the resolution of all disputes with respect to the ’812 patent. Ex. 2004, 2005 (“Settlement Agreement and Term Sheet”). The parties also filed a joint request that the Settlement Agreement and Term Sheet be treated as business confidential information and kept separate under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Joint Motion 2. The parties represent that the Settlement Agreement and Term Sheet are the only agreements or understandings between the parties made in connection with or in contemplation of the termination of a trial proceeding at this time. Joint Motion 2.

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.” In this proceeding, we have not yet reached a decision on the merits with respect to the patentability of any involved claim. Accordingly, we terminate this review with respect to PSI Pressure Systems LLC, as Petitioner.

Section 317(a) also provide that, “[i]f no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” We, therefore, have discretion to terminate this review without issuing a final written decision.

In the Joint Motion, the parties state that they have settled all disputes relating to the '812 patent, including in the related district court litigation between Petitioner and Patent Owner. Joint Motion 2; *see* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(b). This proceeding is in an early stage, and the Patent Owner has not yet filed its Response.

Under these circumstances, we determine that it is appropriate to terminate this *inter partes* review as to both Petitioner and Patent Owner without rendering a Final Written Decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate, including where the trial is consolidated with another proceeding or pursuant to a joint request under 35 U.S.C. 317(a) . . .”). We also grant the joint request to maintain the Settlement Agreement and Term Sheet as confidential business information in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the Joint Motion to Terminate and Joint Motion that Settlement Agreement and Term Sheet be Treated as Business Confidential Information and Kept Separate (Paper 41) is *granted*;

FURTHER ORDERED that this *inter partes* review is hereby *terminated*.

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