

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COBHAM MISSION SYSTEMS DAVENPORT LSS INC. (F/K/A
CARLETON LIFE SUPPORT SYSTEMS, INC.),
Petitioner,

v.

AIR LIQUIDE ADVANCED TECHNOLOGIES, U.S. LLC, AND L’AIR
LIQUIDE SOCIETE ANONYME A DIRECTOIRE ET CONSEIL DE
SURVEILLANCE POUR L’ETUDE E L’EXPLORATION DES
PROCEDES GEORGES CLAUDE,
Patent Owner.

IPR2020-00520
Patent 6,746,513 B2

Before JON B. TORNQUIST, MICHELLE N. ANKENBRAND, and
MONTÉ T. SQUIRE, *Administrative Patent Judges*.

SQUIRE, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. 42.72, 42.74

I. INTRODUCTION

On December 22, 2020, Petitioner and Patent Owner (collectively referred to as “the Parties”) filed a Joint Motion to Terminate this *inter partes* review proceeding challenging claims 1–7, 9–15, and 18 of U.S. Patent No. 6,746,513 B2 (Exhibit 1001, “the ’513 patent”). Paper 16 (“Joint Motion”).¹ Along with the Joint Motion, the Parties filed a Settlement Agreement (Exhibit 1013, “Settlement Agreement”) under seal. The Parties jointly request that the Settlement Agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Joint Motion 1–3. The Parties represent that the filed copy of the Settlement Agreement is a true and correct copy. *Id.* at 4.

II. DISCUSSION

Under 35 U.S.C. § 317(a), *inter partes* review proceedings “shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

In the Joint Motion, the Parties represent that they have entered into a Settlement Agreement. Joint Motion 3. The Parties further represent that the Settlement Agreement resolves all currently pending Office and District Court proceedings between them involving the ’513 patent, at issue in this proceeding. *Id.* at 3, 5. The Parties also represent that they have agreed to jointly request termination of this *inter partes* review proceeding. *Id.* at 4.

The Parties submit that termination is appropriate because the dispute between the Parties has been resolved and they have agreed to terminate this

¹ Filing of the Joint Motion was authorized via e-mail correspondence from Board personnel on December 18, 2020.

inter partes review proceeding. Joint Motion 3. The Parties further submit that this *inter partes* review proceeding was instituted on August 19, 2020, and is still in its early stages. *Id.* at 3–4. The Parties also submit that strong public policy considerations favor settlement between the parties to an *inter partes* review proceeding and that no public interest or other factors weigh against termination of this proceeding. *Id.* at 4.

In view of the stage of this proceeding and the settlement between the Parties, we determine that good cause exists to terminate this proceeding with respect to the Parties.

The Parties also jointly request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent involved in this *inter partes* review proceeding. Joint Motion 4–5. After reviewing the Settlement Agreement between the Parties, 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 the Parties as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate (Paper 16) the proceeding is granted;

FURTHER ORDERED that the Parties' joint request to treat the Settlement Agreement (Exhibit 1013) as business confidential information is granted;

FURTHER ORDERED that the Settlement Agreement shall be kept separate from the file of U.S. Patent No. 6,746,513 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that *inter partes* review proceeding IPR2020-00520 is hereby terminated.

IPR2020-00520
Patent 6,746,513 B2

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