

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVIS WORKS, LLC,
Petitioner,

v.

ASK CHEMICALS LLC,
Patent Owner.

IPR2020-01230
Patent 6,686,402 B2

Before JON B. TORNQUIST, CHRISTOPHER M. KAISER, and
MONTÉ T. SQUIRE, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

INTRODUCTION

Novis Works, LLC (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 7–12 of U.S. Patent No. 6,686,402 B2 (Ex. 1001, “the ’402 patent”). ASK Chemicals LLC (“Patent Owner”) has not yet filed a Preliminary Response. With our authorization, Petitioner and Patent Owner jointly filed a motion to terminate this proceeding due to the settlement of their dispute. Paper 6. The parties also request that we treat their settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). *Id.*

DISCUSSION

This proceeding is still in its very earliest stages. Petitioner filed its Petition on July 10, 2020, and Patent Owner has not yet filed a Preliminary Response, which is due on October 22, 2020. Pet. 68; Paper 3, 1. Accordingly, we have not yet reached a decision on whether to institute *inter partes* review of the ’402 patent, much less reached a decision on the merits of Petitioner’s challenges to claims 7–12 of the ’402 patent. In the joint motion, the parties indicate that they “have entered into a settlement agreement and jointly seek termination of the proceeding[.]” Paper 6, 4. By reference to our email authorizing the joint motion to terminate, the parties certify that “there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the *inter partes* review.” *Id.* at Ex. B. Under these particular circumstances, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. § 42.74.

We have reviewed the settlement agreement the parties filed, Ex. 2001, and we determine that good cause exists to treat it as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

ORDER

It is hereby

ORDERED that the parties' joint request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the parties' joint motion to terminate is *granted*; and

FURTHER ORDERED that this proceeding is *terminated*.

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