

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRONTIER COMMUNICATIONS CORPORATION,
Petitioner,

v.

OCEANA INNOVATIONS, LLC,
Patent Owner.

IPR2020-01272
Patent 6,508,678 B1

Before MINN CHUNG, KAMRAN JIVANI, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION

Settlement Prior to Institution of Trial
Granting Request to Keep Agreement Confidential
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. DISCUSSION

With Board authorization, Frontier Communications Corporation (“Petitioner”) and Oceana Innovations, LLC (“Patent Owner”) filed a Joint Motion to Terminate. Paper 6 (“Motion” or “Mot.”). In the Motion, the parties state that they have settled their dispute regarding U.S. Patent No. 6,508,678 B1 (“the ’678 patent”) by entering into a Settlement and License Agreement. Mot. 2. The parties also filed a joint request to treat the settlement agreement (Paper 8) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 7.¹

This proceeding is in the preliminary stage, Patent Owner has not filed a preliminary response, and no decision whether to institute a trial has been made. The parties indicate that the settlement agreement resolves all disputes between the parties regarding the ’678 patent. Mot. 2, 3. In addition, the parties state that “[t]hey entered no other agreement, written or oral” in connection with the termination of this proceeding. Under these circumstances, we determine that it is appropriate to dismiss the Petition (Paper 2) and terminate this proceeding. *See* 37 C.F.R. §§ 42.71(a), 42.74(a).

After reviewing the parties’ settlement agreement (Paper 8), we find the settlement agreement contains business confidential information regarding the terms of the settlement and good cause exists to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Accordingly, the parties’ joint request

¹ Although the joint request states that the settlement agreement is filed as Exhibit 1016 (Paper 7, 2), no such exhibit has been filed. Instead, the parties filed a copy of the settlement agreement as Paper 8.

(Paper 7) to treat the parties' settlement agreement as business confidential information is *granted*.

The parties also filed the joint request itself (Paper 7) under seal. But the joint request is not accompanied by a motion to seal, nor does the joint request explain why it contains confidential information. *See id.* Upon reviewing Paper 7, we do not find anything in the document that would qualify as confidential information. *See* 37 C.F.R. § 42.2 ("Confidential information means trade secret or other confidential research, development, or commercial information."). Accordingly, Paper 7 will be made accessible to the public after one week from the date of this Decision unless, within the period of one week, the parties file a motion to seal explaining why the document contains confidential information to be shielded from the public.

II. ORDER

It is hereby

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that the parties' joint request to treat the settlement agreement (Paper 8) as business confidential information and be kept separate from the files of the '678 patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the joint request (Paper 7) will be made accessible to the public after one week from the date of this Decision unless, within the period of one week, the parties file a motion to seal explaining why Paper 7 contains confidential information to be shielded from the public; and

FURTHER ORDERED that the Petition is *dismissed* and this proceeding is *terminated* as to all parties.

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