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Paper 13
Entered: April 7, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAK ACCESS, LLC,
Petitioner,

v.

NEWPARK MATS & INTEGRATED SERVICES LLC,
Patent Owner

IPR2020-01614
Patents 9,985,390 B2

Before JAMESON LEE, DEBRA K. STEPHENS, and
MONICA S. ULLAGADDI, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge*.

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

DISCUSSION

On April 5, 2021, with Board authorization, the parties filed a Joint Motion to Terminate (Paper 11, "Motion to Terminate"), a settlement agreement between the parties (Ex. 2013, "Settlement Agreement"), and a request to keep the Settlement Agreement as business confidential information and separate from the file of Patent 9,985,390 B2 (Paper 12, "Request to Keep Settlement Agreement Confidential and Separate").

The Motion to Terminate states: "The parties have now settled their dispute and have reached agreement to terminate the Petition." Paper 11, 2. The Motion to Terminate also states: "Exhibit 2013 represents the entire agreement or understanding between the Parties made in connection with, or in contemplation of, the termination of this proceeding, and further, that Exhibit 2013 is a true and accurate copy of the agreement between the Parties that resolves the present proceeding." *Id.*

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. PTAB Consolidated Trial Practice Guide, 86 (November 2019). This proceeding is at an early stage. We have not issued a decision on whether to institute an *inter partes* review. Under these circumstances, we grant the Motion to Terminate (Paper 11) as to both Petitioner and Patent Owner.

We also grant the Request to Keep Settlement Agreement Confidential and Separate (Paper 12) under the terms of 37 C.F.R. § 42.74(c).

Order

It is

ORDERED that the Motion to Terminate (Paper 11) is *granted* both as to Petitioner and Patent Owner;

FURTHER ORDERED that the Request to Keep Settlement Agreement Confidential and Separate (Paper 12) is *granted* under the terms of 37 C.F.R. § 42.74(c);

FURTHER ORDERED that the Settlement Agreement (Ex. 2013) shall be treated as business confidential information, shall be kept separate from the file of Patent 9,985,390 B2, and shall be made available only in accordance with the provisions of 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that this proceeding is *terminated* both as to Petitioner and Patent Owner, and the Petition is *dismissed*.

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