

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION,
Petitioner,

v.

PETER PEDERSEN,
Patent Owner.

IPR2023-00867
Patent 6,965,920 B2

Before LARRY J. HUME, STACEY G. WHITE, and MICHELLE N.
WORMMEESTER, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

In the above-captioned proceeding, Oracle Corporation (“Petitioner”) and Peter Pedersen (“Patent Owner”) (collectively “the Parties”) filed a joint motion to terminate. Paper 10 (“Joint Motion”). In support of the Joint Motion, the Parties filed a copy of a written settlement agreement (Ex. 2003, “Settlement Agreement”) and a Request to Treat the Agreement as Business Confidential Information (Paper 11, “Joint Request”).

In the Joint Motion, the Parties state that termination is appropriate because they have settled their disputes regarding the patent involved in this proceeding. Joint Motion 2–3. The joint motion was accompanied by a copy of an agreement that the parties represent to be a true copy of the written agreement that resolves the disputes between them with respect to this proceeding. Ex. 2003. The parties further certify that there are no other collateral agreements or understandings, oral or written, between them made in connection with, or in contemplation of, the termination of this proceeding. Joint Motion 2.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Patent Trial and Appeal Board Consolidated Trial Practice Guide 86 (Nov. 2019), *available at* <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>; *see also* 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate, . . .). This proceeding is in the preliminary phase, and we have not yet decided whether to institute trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that it is appropriate to dismiss the petition and terminate the proceeding without rendering a decision on institution or a final written decision. We also have

reviewed the true copy of the parties' settlement agreement (Ex. 2003), and we determine that good cause exists to treat this settlement agreement as business confidential information and keep it separate from the file of the U.S. Pat. No. 6,965,920 (the '920 patent). *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

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

Accordingly, it is:

ORDERED that the parties' joint request to file their settlement agreement as business confidential information and keep it separate from the file of the '920 patent is granted;

FURTHER ORDERED that Exhibit 2003 shall remain business confidential information, and shall be kept separate from the file of the '920 patent; and

FURTHER ORDERED that the Joint Motion is *granted*; and

FURTHER ORDERED that the petition in the above-captioned proceeding is *dismissed* and the proceeding is *terminated*.

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