

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC,
Petitioner,

v.

WESTERNGECO LLC,
Patent Owner.

Cases¹

IPR2016-00407 (Patent 6,545,944)
IPR2016-00499 (Patent 7,822,552 B2)

Before BRYAN F. MOORE, SCOTT A. DANIELS, and
BEVERLY M. BUNTING, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

JUDGMENT

Termination of the Proceedings
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

¹ This Order addresses identical matters in each case. Therefore, we exercise our discretion to issue one paper to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2016-00407 (Patent 6,545,944 B2)

IPR2016-00499 (Patent 7,822,552 B2)

In an email to the Board dated June 30, 2017, Petroleum Geo-Service Inc. and WesternGeco L.L.C. (collectively referred to as “the parties”) indicated that they had settled their dispute involving U.S. Patent Nos. 6,545,944 and 7,822,552, which are the subject of IPR2016-00407 and IPR2016-00499, respectively. On July 3, 2017, we granted authorization, via email, for the parties to file the present joint motions to terminate these proceedings pursuant to a settlement agreement under 37 C.F.R. § 42.74 by 5 pm ET, July 3, 2017. We noted that if the parties were unable to comply with this deadline, than a final written decision in IPR2016-00407 would be entered by the statutory deadline of July 5, 2017.

The parties filed timely a joint motion to terminate each of these proceedings pursuant to a settlement agreement. Paper 26.² The parties also filed a true copy of their written settlement agreement (Ex. 2017), made in connection with the termination of these proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.72. Additionally, the parties submitted a joint request to have their written settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 27.

The parties submit that termination is appropriate because the parties have settled their dispute and have reached agreement to terminate these proceedings. Paper 26, 1. The parties represent that this settlement agreement ends all disputes as to these patents, and that “there are no written or oral agreements or understandings, including any collateral agreements, between the parties, including but not limited to licenses, covenants not to

² Paper and exhibit numbers refer to IPR2016-00407.

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sue, confidentiality agreements, or other agreements of any kind, that are made in connection with, or in contemplation of, the termination of this proceeding.” *Id.*

The Parties are reminded that the Board is not a party to the settlement, and may identify independently any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). We note that the record in both of these proceedings is closed, and the Board was ready to issue a final written decision in IPR2016-00407.³

Under the circumstances, based on the record before us, we determine that it is appropriate to terminate these proceedings with respect to both parties. At this juncture, termination is suitable because it promotes efficiency and minimizes unnecessary costs. As such, based on the facts, it is appropriate to terminate these proceedings without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

ORDER

In consideration of the foregoing, it is

ORDERED that the parties’ joint request that the settlement agreement (Exhibit 2017) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), to be kept separate from the patent file in these proceedings, is GRANTED;

³ The statutory deadline for issuing a final written decision in IPR2016-00499 is July 28, 2017.

IPR2016-00407 (Patent 6,545,944 B2)

IPR2016-00499 (Patent 7,822,552 B2)

FURTHER ORDERED that the joint motions to terminate IPR2016-00407 and IPR2016-00499 are GRANTED; and

FURTHER ORDERED that both of these proceedings are TERMINATED.

IPR2016-00407 (Patent 6,545,944 B2)

IPR2016-00499 (Patent 7,822,552 B2)

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