

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NVIDIA CORPORATION,  
Petitioner,

v.

SAMSUNG ELECTRONICS COMPANY, LTD.,  
Patent Owner.

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Case IPR2015-01327  
Patent 6,287,902 B1

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Before JAMESON LEE, PATRICK R. SCANLON, and  
JUSTIN BUSCH, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

A telephone conference call was held on June 6, 2016. The participants were respective counsel for the parties and Judges Lee, Scanlon, and Busch. The parties represented that a settlement had been reached and memorialized in a Memorandum of Understanding (“MOU”). The parties further represented the MOU included a provision requiring that the parties finalize their settlement in a Settlement Agreement, which is to supersede the MOU. The parties expressed concern regarding the impending due dates and represented they did not know when the Settlement Agreement would be completed.

Due Date 6 is currently set for July 1, 2016. Oral hearing is currently scheduled on July 15, 2016. Per the Scheduling Order, the parties are free to stipulate to changes in Due Dates 1–5. After discussion of various options, we informed the parties that a proper joint motion to terminate would need to include the Settlement Agreement because it is referenced as a collateral agreement in the MOU. *See* 35 U.S.C. § 317. The fact that the Settlement Agreement has not yet been finalized indicates that the filing of a Motion to Terminate based on a settlement between the parties is premature. We further informed the parties that they can secure additional time for finalizing their settlement agreement without incurring the expenses of an oral hearing, if they were to waive oral hearing. We indicated that, if the parties elect to waive oral hearing, we will move Due Date 6 to a date no earlier than July 15, 2016, the originally scheduled date of the oral hearing.

#### Order

It is ORDERED that Due Dates 6 and 7, set in the Scheduling Order entered December 9, 2015, Paper 10, remain unchanged.

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