Entered: July 14, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORP.
Petitioner

v.

SAMSUNG ELECTRONICS CO., LTD.
Patent Owner

Case IPR2015-01327
U.S. Patent No. 6,287,902

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

JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.74

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board's June 6, 2016 Order (Paper No. 26), Petitioner NVIDIA Corporation ("Petitioner") and Patent Owner Samsung Electronics Co., Ltd. ("Patent Owner") (collectively, "the Parties") jointly request termination of the *inter partes* review of U.S. Patent No. 6,287,902 ("'902 patent"), Case No. IPR2015-01327.

The Parties have resolved their dispute and have reached an agreement to, among other things, file a motion to terminate this *inter partes* review. More specifically, the Parties have entered into a written binding Settlement Memorandum of Understanding dated April 28, 2016 (a true copy of which has been submitted as Confidential Exhibit 1117) and Settlement Agreement on June 27, 2016 (a true copy of which has been submitted as Confidential Exhibit 1118). Pursuant to the Settlement Memorandum of Understanding and Settlement Agreement, the parties have agreed to promptly cause dismissal with prejudice of or terminate their participation in all pending lawsuits, including ITC investigations and *inter partes* reviews, between them.

I. RELATED PROCEEDINGS

The following IPR proceedings involving the Petitioner and Patent Owner are currently before the Board. The Parties will be filing separate motions to terminate each of these IPR proceedings.

Case No.	Patent No.
IPR2015-01028	6,198,488
IPR2015-01029	6,992,667
IPR2015-01062	7,056,776
IPR2015-01065	6,147,385
IPR2015-01068	7,804,734
IPR2015-01070	6,690,372
IPR2015-01198	7,015,913
IPR2015-01320	6,287,902
IPR2015-01324	5,860,158
IPR2015-01327	6,287,902

The following district court actions involve the Petitioner and Patent Owner:

- *NVIDIA Corporation v. Samsung Electronics America, Inc. et al.*, Case No. 1:14-cv-01127-LPS-CJB (D. Del.)
- *Samsung Electronics Co., Ltd. v. NVIDIA Corporation*, Case No. 3:14-cv-00757-REP-DJN (E.D. VA).

NVIDIA has filed a Notice of Dismissal of the District of Delaware case pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) on May 12, 2016. The parties have filed a Stipulation of Dismissal with prejudice of the Eastern District of Virginia district court case pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) on May 5, 2016.

The following ITC investigations involve the Petitioner and Patent Owner:

- *In the Matter of Certain Consumer Electronics And Display Devices With Graphics Processing Units Therein*, ITC Inv. No. 337-TA-932 (the "932 Investigation").

- *In the Matter of Certain Graphics Processing Chips, Systems on A Chip, and Products Containing the Same*, ITC Inv. No. 337-TA-941 (the "941 Investigation").

The ITC terminated the 932 Investigation on December 14, 2015 and NVIDIA appealed to the United States Court of Appeals for the Federal Circuit. The parties have filed a joint motion to voluntarily dismiss the appeal on May 10, 2016, which the Federal Circuit granted on May 11, 2016.

With respect to the 941 Investigation, the parties have filed a Corrected Joint Motion to Terminate the Investigation Based on Settlement of the above-mentioned ITC investigation on May 19, 2016, which the Commission granted on June 16, 2016.

II. BRIEF EXPLANATION AS TO WHY TERMINATION IS APPROPRIATE

Termination of the present IPR is appropriate as the Board has not yet decided the merits of the proceeding and the parties have settled their dispute in its entirety. "Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement." *Oracle Corp. v. Cmty. United IP, LLC*, CBM2013-00015, Paper 13 (July 25, 2013) (citing Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765-66 (Aug. 14, 2012)). Terminating this proceeding promotes the Congressional goal to establish a more efficient and

streamlined patent system that, *inter alia*, limits unnecessary and counterproductive litigation costs. *See* "Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents," Final Rule, 77 Fed. Reg. 48680 (Aug. 14, 2012). In the absence of any dispute between the Parties concerning this patent, termination of this proceeding is justified.

III. TREAT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

The Parties request under 37 C.F.R. § 42.74(b) that the Settlement Memorandum of Understanding filed as Confidential Exhibit 1117 and Settlement Agreement filed as Confidential Exhibit 1118 be treated as business confidential and kept separate from this *inter partes* review. The Parties are concurrently submitting a Joint Request to File Agreements as Business Confidential Information and to Keep Separate under 37 C.F.R. § 42.74.

Respectfully submitted,

Dated: July 14, 2016

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the parties' agreement to electronic service on June 22, 2015, I certify that on this 14th day of July 2016, a copy of **Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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