

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioner,

v.

SAMSUNG ELECTRONICS COMPANY, LTD.,
Patent Owner.

Case IPR2015-01327
Patent 6,287,902 B1

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

BUSCH, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Terminate
37 C.F.R. §§ 42.72, 42.74

We instituted trial in this proceeding on December 9, 2015. Paper 9.
A Patent Owner Response was filed on March 10, 2016. Paper 17. The
parties have waived oral argument. Paper 29.

On July 14, 2016, the parties filed a Joint Motion to Terminate Proceeding (Paper 32, “Mot.”), as well as a Joint Request (Paper 33, “Req.”) to have Exhibits 1117 and 1118, also filed on July 14, 2016, treated as business confidential information under 37 C.F.R. § 42.74(c).

The parties indicate in their joint motion that they have “resolved their dispute.” The parties further indicate that they have entered into a Settlement Memorandum of Understanding dated April 28, 2016 (Ex. 1117), and a Settlement Agreement dated June 27, 2016 (Ex. 1118). The parties represent that they “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.” Mot. 1.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

Although trial has been instituted, we have not decided the merits of the proceeding. Also under 35 U.S.C. § 317(a), “[i]f no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).” Nvidia Corporation is the only petitioner in this proceeding.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). We are persuaded that, under the circumstances here, termination of this proceeding as to both Petitioner and Patent Owner is appropriate.

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

It is

ORDERED that the parties' Joint Motion to Terminate Proceedings is *granted*;

FURTHER ORDERED that the parties' Joint Request to treat their Settlement Agreement (Ex. 1118) and Settlement Memorandum of Understanding (Ex. 1117) as business confidential information under 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that this trial is terminated.

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