

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Patent Owner.

Case IPR2017-00662 (Patent 6,969,539 B2)
Case IPR2017-00663 (Patent 8,334,016 B2)
Case IPR2017-00664 (Patent 8,334,016 B2)¹

Before CHRISTOPHER L. CRUMBLEY, JON B. TORNQUIST, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER

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

¹ This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

Case IPR2017-00662 (Patent 6,969,539 B2)

Case IPR2017-00663 (Patent 8,334,016 B2)

Case IPR2017-00664 (Patent 8,334,016 B2)

On March 6, 2018, the parties filed Joint Motions to Terminate these three proceedings pursuant to 35 U.S.C. § 317(a). Paper 24.² In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed true and correct copies of a Settlement and Patent License Agreement in each proceeding. Ex. 2134. The Agreements were accompanied by joint requests to treat the Agreement as business confidential information, to be kept separate from the publicly available patent files. Paper 25.

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.” In these cases, the Board instituted trial on July 24, 2017, Patent Owner has filed its Response, and Petitioner has filed its Reply, but we have not yet decided the merits of the proceedings. Paper 11; Paper 19; Paper 21.

Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. [§] 317(a).” After reviewing the Joint Motions to Terminate and the Agreements, we determine that it is appropriate to terminate each of these proceedings without rendering a final written decision. Therefore, the Joint Motions to Terminate are GRANTED.

² We cite to the papers and exhibits filed in IPR2017-00662. Similar filings exist in IPR2017-00663 and IPR2017-00664.

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Accordingly, it is

ORDERED that the Joint Motions to Terminate are GRANTED and IPR2017-00662, IPR2017-00663, and IPR2017-00664 are hereby TERMINATED; and

FURTHER ORDERED that the Joint Requests to Treat Settlement Agreements as Business Confidential are GRANTED, and the Settlement and Patent License Agreement will be kept separate from the patent files.

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