

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NUVOTON TECHNOLOGY CORPORATION,  
Petitioner,

v.

MICROCHIP TECHNOLOGY INCORPORATED,  
Patent Owner.

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IPR2020-00367 (Patent 9,772,970 B2)  
IPR2020-00374 (Patent 9,442,873 B2)  
IPR2020-00383 (Patent 7,126,515 B1)  
IPR2020-00386 (Patent 7,353,417 B2)  
IPR2020-00390 (Patent 7,075,261 B2)  
IPR2020-00394 (Patent 7,930,576 B2)<sup>1</sup>

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Before JUSTIN T. ARBES, AMANDA F. WIEKER, and  
FREDERICK C. LANEY, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial  
*37 C.F.R. § 42.74*

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<sup>1</sup> This Decision addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Decision to be entered in each proceeding. The parties are not authorized to use this joint heading or filing style in their papers.

IPR2020-00367 (Patent 9,772,970 B2)  
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IPR2020-00383 (Patent 7,126,515 B1)  
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IPR2020-00394 (Patent 7,930,576 B2)

Petitioner and Patent Owner (collectively, “the parties”) have requested that the above-identified proceedings be terminated pursuant to a settlement. The Board authorized the parties to file joint motions to terminate the above-identified proceedings on April 6, 2020.

On April 6, 2020, and pursuant to 37 C.F.R. § 42.74 and 35 U.S.C. § 317(b), the parties filed Joint Motions to Terminate each of the above-identified proceedings (collectively, “Joint Motions to Terminate”). *See, e.g.*, IPR2020-00367, Paper 10.<sup>2</sup> The parties also filed Joint Requests to File the Settlement Agreements as Business Confidential Information (collectively, “Joint Requests”), to be kept separate from the patent file, along with copies of two written settlement agreements. *See, e.g.*, IPR2020-00367, Paper 11,<sup>3</sup> Ex. 1026 (“Settlement Agreement”), Ex. 1027 (“Patent License Agreement”).<sup>4</sup>

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<sup>2</sup> Throughout this Decision, we cite to Papers filed in IPR2020-00367 for purposes of expediency. The parties filed similar Joint Motions to Terminate in IPR2020-00374 (Paper 11), IPR2020-00383 (Paper 11), IPR2020-00386 (Paper 12), IPR2020-00390 (Paper 9), and IPR2020-00394 (Paper 9).

<sup>3</sup> The Joint Request is styled a “Joint Motion” in IPR2020-00367 only. The parties filed similar Joint Requests in IPR2020-00374 (Paper 12), IPR2020-00383 (Paper 12), IPR2020-00386 (Paper 13), IPR2020-00390 (Paper 10), and IPR2020-00394 (Paper 10).

<sup>4</sup> The parties filed copies of the written settlement agreements in IPR2020-00374 (Exs. 1013–1014), IPR2020-00383 (Exs. 1012–1013), IPR2020-00386 (Exs. 1008–1009), IPR2020-00390 (Exs. 1029–1030), and IPR2020-00394 (Exs. 1012–1013).

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In the Joint Motions to Terminate, the parties represent that they have reached an agreement to jointly seek termination of the above-identified proceedings, and that the filed copies of the settlement agreements are true and complete copies. Paper 10, 1–3. The parties further represent that their settlement agreements resolve all currently pending Patent Office and District Court proceedings between the parties involving the above-identified patents. *Id.*

The above-identified proceedings are at an early stage. Patent Owner has not filed a preliminary response, and we have not yet decided whether to institute trial in any of these proceedings. In view of the early stage of the proceedings and the settlement between the parties, we determine that good cause exists to terminate these proceedings.

The parties also filed Joint Requests that the settlement agreements be treated as business confidential information and be kept separate from the file of the respective patents involved in the above-identified proceedings. Paper 11. After reviewing the settlement agreements between Petitioner and Patent Owner, we find that the settlement agreements contain confidential business information regarding the terms of settlement. Exs. 1026–1027. We determine that good cause exists to treat the settlement agreements between Petitioner and Patent Owner as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Therefore, the Joint Motions to Terminate and the Joint Requests are *granted*.

IPR2020-00367 (Patent 9,772,970 B2)  
IPR2020-00374 (Patent 9,442,873 B2)  
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IPR2020-00386 (Patent 7,353,417 B2)  
IPR2020-00390 (Patent 7,075,261 B2)  
IPR2020-00394 (Patent 7,930,576 B2)

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

Accordingly, it is:

ORDERED that the Joint Requests (IPR2020-00367, Paper 11; IPR2020-00374, Paper 12; IPR2020-00383, Paper 12; IPR2020-00386, Paper 13; IPR2020-00390, Paper 10; IPR2020-00394, Paper 10) that the settlement agreements (IPR2020-00367, Exs. 1026–1027; IPR2020-00374, Exs. 1013–1014; IPR2020-00383, Exs. 1012–1013, IPR2020-00386, Exs. 1008–1009; IPR2020-00390, Exs. 1029–1030; and IPR2020-00394, Exs. 1012–1013) be treated as business confidential information and be kept separate from the files of the above-identified proceedings and from the files of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*; and

FURTHER ORDERED that the Joint Motions to Terminate the above-identified proceedings are *granted* and IPR2020-00367, IPR2020-00374, IPR2020-00383, IPR2020-00386, IPR2020-00390, and IPR2020-00394 are *terminated* with respect to both Petitioner and Patent Owner.

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IPR2020-00394 (Patent 7,930,576 B2)

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