

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GSI TECHNOLOGY, INC.,
Petitioner,

v.

CYPRESS SEMICONDUCTOR CORPORATION,
Patent Owner.

IPR2014-00426 (Patent 6,445,645)
IPR2014-00427 (Patent 6,385,128)

Before MIRIAM L. QUINN, WILLIAM V. SAINDON, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.72

On May 13, 2015, the parties filed a joint motion to terminate the instant proceedings pursuant to a settlement agreement. Paper 25¹. The parties also filed a true copy of their written settlement agreement, made in connection with the termination of the instant proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 27. The parties further submitted a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 26. At the request of the panel, the parties also filed a certification that no collateral agreements exist, such that the Settlement Agreement filed on May 13, 2015, as paper 27, is the only agreement between the parties. Paper 30.

We have held the oral hearing in the instant proceedings, but have not yet entered a final written decision. The parties allege that the Settlement Agreement resolves all claims between the parties in the district court litigation where the challenged patents were at issue. Paper 25, 1. The parties do not argue why termination is appropriate at this stage of the proceedings. We take note, however, that the related district court litigation has been dismissed with prejudice as of May 7, 2015. Paper 25, Ex. B.

Upon consideration of the requests before us, we determine that, even at this late stage of the proceedings, terminating with respect to both Petitioner and Patent Owner releases sufficient of the Board's limited

¹ The parties filed identical papers in both of the captioned proceedings. Therefore, reference to the filed documents points to the papers filed in case IPR2014-00426.

IPR2014-00426 (Patent 6,445,645)

IPR2014-00427 (Patent 6,385,128)

resources. Based on the facts of this case, it is appropriate to enter judgment.² See 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

Accordingly, it is:

ORDERED that the joint motion to terminate IPR2014-00426 and IPR2014-00427 is *granted*;

FURTHER ORDERED that the instant proceedings are hereby *terminated* as to all parties, including Petitioner and Patent Owner; and

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, kept separate from the patent files, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

² A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

IPR2014-00426 (Patent 6,445,645)

IPR2014-00427 (Patent 6,385,128)

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