

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD, SAMSUNG ELECTRONICS
AMERICA, INC., and SAMSUNG SEMICONDUCTOR, INC,
Petitioner,

v.

NVIDIA CORPORATION,
Patent Owner.

Cases¹

IPR2015-01028 (Patent 6,198,488 B1)
IPR2015-01029 (Patent 6,992,667 B2)
IPR2015-01070 (Patent 6,690,372 B2)

Before KEVIN F. TURNER, BEVERLY M. BUNTING, and
JON B. TORNQUIST, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

JUDGMENT

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

¹ This Judgment addresses issues that are identical in each case. We exercise our discretion to issue one Judgment to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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On July 15, 2016, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc, Samsung Semiconductor, Inc, and NVIDIA Corporation (collectively referred to as “the parties”) filed a joint motion to terminate each of these proceedings pursuant to a settlement agreement. Paper 36.² The parties also filed true copies of their written Memorandum of Understanding Regarding Settlement Agreement (Ex. 2131) and Settlement Agreement (Ex. 2132), both made in connection with the termination of these proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.72. Additionally, the parties submitted a joint request to have both their Memorandum of Understanding Regarding Settlement Agreement, and Settlement Agreement, treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).³ Paper 37.

The parties submit that termination is appropriate because the parties have settled their dispute and have reached agreement to terminate these *inter partes* reviews. Paper 36, 1. The parties represent that this settlement agreement ends all disputes as to these patents between the parties, including pending lawsuits and ITC investigations, which were either dismissed with prejudice or terminated. *Id.*

The Board is not a party to the settlement, and may identify independently any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after

² Paper and exhibit numbers refer to IPR2015-01028.

³ We note that certain documents contain confidential information. Pursuant to 37 C.F.R. § 42.56, the parties may file a motion to expunge this information. Such motion will be due within 10 business days of this Judgment, otherwise the documents will be made public in due course.

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the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Indeed, the parties jointly waived oral argument and agreed not to file any further papers pertaining to the remaining due dates noted in the Scheduling Order. Paper 34.

Under the circumstances, based on the record before us, we determine that it is appropriate to terminate each of these proceedings with respect to the parties, at this juncture, to promote efficiency and minimize unnecessary costs. Based on the facts, it is appropriate to enter judgment terminating these proceedings without rendering a final written decision and treat the Memorandum of Understanding Regarding Settlement Agreement (Ex. 2131) and Settlement Agreement (Ex. 2132) as business confidential information. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72 and 42.74(c).

ORDER

In consideration of the foregoing, it is

ORDERED that the parties' joint request that the Memorandum of Understanding Regarding Settlement Agreement (Ex. 2131) and Settlement Agreement (Ex. 2132) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motions to terminate IPR2015-01028, IPR2015-01029, and IPR2015-01070 are GRANTED;

FURTHER ORDERED that the parties are authorized to file a motion to expunge confidential information from the record within 10 days of this Judgment; and

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FURTHER ORDERED that these proceedings are TERMINATED.

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