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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.,
Petitioner,

v.

DR. URI COHEN,
Patent Owner.

Case IRP2018-00445
Case IRP2018-00446
Case IRP2018-00775
Patent 6,924,226 B2[1]

Before THU A. DANG, KEN B. BARRETT, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge.*

ORDER
Dismissing Petitions Pursuant to Settlement
37 C.F.R. §§ 42.71(a), 42.74

[1] This Order will be entered in each case. The parties are not authorized to use this heading style for any subsequent papers.

In each of these proceedings, the parties filed a Joint Motion to Terminate *Inter Partes* Review. IPR2018-00445, Paper 12; IPR2018-00446, Paper 12; IRP2018-00775, Paper 6. The parties also filed a copy of a written settlement agreement and associated collateral agreements. IPR2018-00445, Exs. 1043–1045; IPR2018-00446, Exs. 1043–1045; IRP2018 00775, Exs. 1042–1044. The parties further filed a joint request to have the settlement agreement, including the collateral agreements, treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2018-00445, Paper 13; IPR2018-00446, Paper 13; IRP2018-00775, Paper 7.

Patent Owner has filed a Preliminary Response in these cases, but the Board has not yet issued institution decisions. The parties represent that their settlement agreement resolves all underlying disputes with respect to the challenged patent. IPR2018-00445, Paper 12, 1–2; IPR2018-00446, Paper 12, 1–2; IRP2018-00775, Paper 6, 1–2. Under these circumstances, we determine that it is appropriate to dismiss the Petitions. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement and good cause exists to treat the settlement agreement, including the collateral agreements, as business confidential information pursuant to 35 U.S.C. § 317(b).

The parties also "jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to one or more of the agreements, that any such written request be served upon the parties on the day the written request is

provided to the Board." IPR2018-00445, Paper 13, 2; IPR2018-00446, Paper 13, 2; IRP2018-00775, Paper 7, 2. We decline to impose upon non-parties an obligation beyond any required by law or regulation.

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

Accordingly, it is

ORDERED that the Petitions are *dismissed*;

FURTHER ORDERED that the parties' settlement agreement, including the associated collateral agreements, (Exhibits 1043, 1044, and 1045 in IPR2018-00445; Exhibits 1043, 1044, and 1045 in IPR2018-00446; and Exhibits 1042, 1043, and 1044 in IRP2018-00775) shall be treated as business confidential information and kept separate from the files of U.S. Patent No. 6,924,226, and remain designated as "Board and Parties Only."

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