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Paper No. 16
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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 IPR2018-00448 (Patent 6,518,668 B2)
Case IPR2018-00449 (Patent 6,518,668 B2)
Case IPR2018-00730 (Patent 6,518,668 B2)[1]

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

WEINSCHENK, *Administrative Patent Judge*.

DECISION
Dismissal of Petitions and Termination of the Proceedings
37 C.F.R. §§ 42.71(a), 42.74

[1] This Decision pertains to all of these cases. Therefore, we exercise our discretion to issue a single Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

In each of these proceedings, the parties filed a Joint Motion to Terminate pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72. IPR2018-00448, Paper 12 ("Mot.").[2] The parties also filed what they indicate are true copies of a Settlement Agreement and associated collateral agreements. IPR2018-00448, Exs. 1036–1038 ("Agreements").[3] In a Joint Request, the parties identify the Agreements as business confidential information and request that the Agreements be kept separate from the patent file. IPR2018-00448, Paper 14 ("Joint Request").[4]

II. ANALYSIS

Although the parties move to terminate pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72, these sections relate, respectively, to termination of "[a]n inter partes review instituted under this chapter" and to termination of "trial," which "means a contested case instituted by the Board based upon a petition." 35 U.S.C. § 317; 37 C.F.R. §§ 42.2, 42.72. These proceedings are in the preliminary stage, and no decisions whether to institute trial have been made. As such, we treat the parties' requests as seeking dismissal of the Petitions to thereby terminate the proceedings.

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[2] The parties filed similar motions in IPR2018-00449 (Paper 12) and in IPR2018-00730 (Paper 7). For simplicity, we refer to the Joint Motion filed in IPR2018-00448.

[3] These agreements are filed as Exhibits 1036–1038 in IPR2018-00449 and as Exhibits 1034–1036 in IPR2018-00730.

[4] The parties filed similar requests in IPR2018-00449 (Paper 13) and in IPR2018-00730 (Paper 8).

The parties indicate that they have settled their disputes regarding U.S. Patent No. 6,518,668 B2. Mot. 2. Furthermore, "[t]he parties represent that their entire agreement in connection with termination of this proceeding is embodied in the Settlement Agreement and its two associated collateral agreements, which have been made in writing." *Id.* at 5. Under these circumstances, we determine that it is appropriate to dismiss the Petition in each proceeding and terminate these proceedings. *See* 37 C.F.R. §§ 42.71(a), 42.74(a). We also determine that it is appropriate to treat the Agreements as business confidential information to be kept separate from the patent file. *See* 37 C.F.R. § 42.74(c).

The parties also "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." Joint Request 1. 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).

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition in each proceeding is dismissed and these proceedings are terminated as to all parties; and

FURTHER ORDERED that the Agreements (IPR2018-00448, Exhibits 1036–1038; IPR2018-00449, Exhibits 1036–1038; IPR2018-00730, Exhibits 1034–1036) shall be treated as business confidential information

and kept separate from the files of U.S. Patent No. 6,518,668 B2, and remain designated as "Board and Parties Only."

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