

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEXAS INSTRUMENTS INC.,
Petitioner,

v.

COMPLEX MEMORY LLC,
Patent Owner.

Case IPR2018-00823
Patent 5,890,195

Before KARL D. EASTHOM, DENISE M. POTHIER, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

POTHIER, *Administrative Patent Judge*.

DECISION
Motion to Dismiss
37 C.F.R. § 42.71(a)

Petitioner Texas Instruments Inc. and Patent Owner Complex Memory LLC, filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 9) and a Joint Request to File Settlement Agreement as Business Confidential Information and to Maintain Said Agreement Separate from the Public File Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 10) in the above-captioned case. The parties represent that they have reached a settlement agreement, which is in writing and a true copy of which has been filed in conjunction with the above motions as required under 37 C.F.R. § 42.74(b). Paper 9, 1; Ex. 1018. The parties also certify that no other agreements exist between the parties concerning these cases or the patents at issue. *Id.*

We construe the Joint Motion to Terminate as a motion to dismiss under 37 C.F.R. § 42.71(a) because no *inter partes* review has yet been instituted in these cases. At this early stage, we determine that dismissal is warranted in light of the parties' joint request and their settlement agreement. We further determine that the settlement agreement filed by the parties constitutes business confidential information. Therefore, the parties' joint motion discussed above is *granted*.

ORDER

It is

ORDERED that the parties' joint motion to dismiss in the above-captioned case is *granted*, and the case is *dismissed*; and

FURTHER ORDERED that the parties' Joint Request to File Settlement Agreement as Business Confidential Information and to Maintain Said Agreement Separate from the Public File Pursuant to 35 U.S.C.

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§ 317(b) and 37 C.F.R. § 42.74(c) in the above-captioned case is *granted*, and Exhibit 1018 in the case shall be kept separate from the pertinent file consistent with 37 C.F.R. § 42.74(b).

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