

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEXAS INSTRUMENTS INCORPORATED,
Petitioner,

v.

VANTAGE MICRO LLC,
Patent Owner.

IPR2020-00830
Patent 7,414,606 B1

Before JONI Y. CHANG, BRYAN F. MOORE, and JASON M. REPKO,
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

TERMINATION
Settlement Prior to Institution of Trial

37 C.F.R. § 42.74

On November 18, 2020, the parties filed a Joint Motion to Terminate (Paper 8, “Joint Motion”), settlement agreement (Ex. 1024, “Agreement”), and a Joint Request to Keep the Agreement Separate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 9, “Joint Request”).

In the Joint Motion, the parties state that they have agreed to terminate this *inter partes* review, pursuant to the Agreement. Joint Motion 1. The parties further state that in the related district court case between the parties, *Vantage Micro LLC v. Texas Instruments Inc.*, 4:19-cv-00733 (E.D. Tex.), the “Parties executed a Settlement and License Agreement terminating [this] underlying litigation.” *Id.* at 2. The Parties also assert “[t]here are no other agreements made in connection with, or in contemplation of, the termination.” *Id.* at 1.

This case is in its preliminary stage and we have not yet decided whether to institute an *inter partes* review. Accordingly, we have not “decided the merits of the proceeding[s]” prior to the parties’ request for termination. 35 U.S.C. § 317(a). The foregoing factors weigh in favor of granting the Joint Motion. We discern no factors weighing against termination of the proceeding. Accordingly, we grant the Joint Motion.

Similarly, we determine that, under the circumstances, it is appropriate to treat the Agreement as business confidential information kept separate from the file of the challenged patent. We, therefore, also grant the Joint Request.

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

ORDER

For the foregoing reasons, it is

ORDERED that the Joint Motion to Terminate is GRANTED, and this proceeding is hereby terminated; and

FURTHER ORDERED that the parties' Joint Request to Keep Separate is GRANTED, and the Agreement (Ex. 1024) shall be treated as business confidential information and kept separate from the file of U.S. Patent No. 7,414,606 B1.

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