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Paper 15
Date: June 30, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORP.,
Petitioner,

v.

ADVANCED CLUSTER SYSTEMS, INC.,
Patent Owner.

IPR2021-00075
Patent 8,140,612 B2

Before KARL D. EASTHOM, ARTHUR M. PESLAK, and SEAN P. O'HANLON, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

On June 17, 2021, with Board authorization, Petitioner and Patent Owner filed a joint Motion to terminate the above-captioned proceeding. Paper 13 ("Mot."). Along with the joint Motion, the parties filed a copy of a "stipulated dismissal" that the parties assert they filed in district court litigation involving U.S. Pat. No. 8,140,612 B2 on June 11, 2021. Ex. 2036; *see also* Mot. 1.

II. DISCUSSION

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." And "[i]f no petitioner remains in the inter partes review, the Office may terminate the review." *Id.*

In this case, the Board issued a decision to institute *inter partes* review. Paper 9. However, the Board has not yet decided the merits of the proceeding or entered a final written decision. In the joint Motion, the parties state that they have settled their dispute and have reached an agreement to request termination of this *inter partes* review. Mot. 1–2. The parties state also that "the stipulated dismissal and . . . joint [M]otion constitute the entire agreement between the parties 'made in connection with, or in contemplation of, the termination' of this" *inter partes* review. *Id.* at 2. The proceeding involves no other parties. Accordingly, in the circumstances present here, it is appropriate to terminate the proceeding.

See 37 C.F.R. §§ 42.72(a), 42.74. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that the joint Motion is *granted* and this proceeding is terminated with respect to Petitioner and Patent Owner.

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