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Paper 26
Date: October 7, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROCHIP TECHNOLOGY INCORPORATED and MICROSEMI CORPORATION,
Petitioner,

v.

BELL SEMICONDUCTOR LLC,
Patent Owner.

IPR2021-00147 (Patent 8,288,269 B2)
IPR2021-00148 (Patent 8,049,340 B2)[1]

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and JULIET MITCHELL DIRBA, *Administrative Patent Judges.*

ABRAHAM, *Administrative Patent Judge*.

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

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[1] This Order addresses issues that are the same in all identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style heading in subsequent papers.

I. INTRODUCTION

On May 24, 2021, pursuant to our May 21, 2021 e-mail authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to Terminate in each of the above-identified proceedings. Paper 22[2] ("Joint Motion"). In support of the Joint Motion, the Parties filed a copy of a settlement agreement. Ex. 2033 ("Settlement Agreement"). Additionally, the Parties jointly filed a Request to Treat Settlement Agreement Confidential and Separate pursuant to 37 C.F.R. § 42.74(c) in each of the above-identified proceedings. Paper 23 ("Joint Request").

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, that the filed copy of the Settlement Agreement is a true and correct copy of that agreement, and that there are no other agreements or understandings between the parties made in connection with, or in contemplation of, the termination of these proceedings. Paper 22, 1.

In view of the early stage of these proceedings and the settlement between the Parties, we determine that good cause exists to terminate these proceedings with respect to the Parties.

The Parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patents involved in these *inter partes* proceedings. Paper 23, 1–2. After reviewing the Settlement Agreement between Petitioner and Patent

[2] Citations are to papers and exhibits filed in IPR2021-00147, unless otherwise indicated. The Parties filed similar papers and exhibits in IPR2021-00148.

Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order 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 Joint Motion to Terminate IPR2021-00147 and the Joint Motion to Terminate IPR2021-00148 are *granted* and the proceedings are *terminated*; and

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement Confidential and Separate is *granted*, and the Settlement Agreement shall be kept separate from the files of U.S. Patent Nos. 8,049,340 B2 and 8,288,269 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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