

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SATCO PRODUCTS, INC.,
Petitioner,

v.

SEOUL SEMICONDUCTOR CO., LTD.,
Patent Owner.

IPR2021-00230
Patent 7,646,031 B2

Before ERICA A. FRANKLIN, JEFFREY W. ABRAHAM, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

TERMINATION

Due to Settlement After Institution of Trial and
Granting Joint Request that the Settlement Agreement Be Kept
Separate and Treated as Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. On February 1, 2022, the Parties filed a Joint Motion to Terminate Proceeding (“Joint Motion”) in the above-identified proceeding. Paper 32, 1–3. The Parties also filed a copy of a settlement agreement (Ex. 1044, “Settlement Agreement”) and made a Joint Request that the Submitted Settlement Agreement Be Kept Separate and Treated as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (Paper 32, 3, “Joint Request”) in the proceeding.

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.” It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the *inter partes* review proceeding, that the filed copy of the Settlement Agreement is a true copy, and that, aside from the filed copy, “there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the present *inter partes* review.” Paper 32, 1.

We instituted trial in the above-identified proceeding. *See* Paper 10. The trial is still at an early stage. An oral hearing has not yet been held, we have not yet decided the merits of the proceeding, and a final written decision has not yet been entered. Under these circumstances and in view of

the Parties' settlement, we determine that good cause exists to terminate the proceeding.

The Parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of Patent 7,646,031 B2. Paper 32, 3. After reviewing the Settlement Agreement, we determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 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

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion is *granted*, and IPR2021-00230 is *terminated* with respect to Petitioner and Patent Owner, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 7,646,031 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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