

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.,
Petitioner,

v.

FUTURE LINK SYSTEMS, LLC,
Patent Owner.

IPR2021-01301
Patent 6,622,108 B2

Before KARL D. EASTHOM, KEVIN C. TROCK, and
JOHN A. HUDALLA, *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 May 16, 2022, with Board authorization, Petitioner and Patent Owner (collectively, the “Parties”) filed a joint Motion to terminate the above-captioned proceeding. Paper 15 (“Mot.”). Along with the joint Motion, the Parties filed a true copy of their agreement made in connection with, or in contemplation of, the termination of the above-captioned proceeding. Ex. 1023; *see also* Mot. 1. The Parties also filed a joint Request to keep their agreement separate. Paper 16.

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.” Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review. *Id.*

In this proceeding, 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 resolved their dispute concerning the patent at issue in the above-captioned proceeding and “lawsuits between [the Parties] have been dismissed, and [the Parties] do not contemplate any litigation or proceeding involving the [challenged patent] in the foreseeable future.” Mot. 2. The Parties also state that the agreement filed is “a true copy of the release agreement that resolves the disputes in the above-captioned *inter partes* review relating to the [challenged patent].” *Id.* at 1. This proceeding involves no other parties. Accordingly, under the circumstances present

here, we determine that it is appropriate to terminate the proceeding. *See* 37 C.F.R. §§ 42.72(a), 42.74.

Further, after reviewing the Parties' agreement, we find that the agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the agreement between the Parties as business confidential information and to keep the agreement separate from the files of the patent in the above-captioned proceeding 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

Accordingly, it is

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

FURTHER ORDERED that the joint Request is *granted*, and the agreement shall be kept separate from the files of Patent 6,622,108 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); and

FURTHER ORDERED that the filed agreement shall remain designated as "Parties and Board Only" in the Board's E2E system.

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