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Paper No. 11
Entered: March 20, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORP.,
Petitioner,

v.

SONRAI MEMORY LIMITED.,
Patent Owner.

IPR2022-00303
Patent 8,193,792 B2

Before STACEY G. WHITE, GARTH D. BAER, and JOHN D. HAMANN, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization, Petitioner Oracle Corporation and Patent Owner Sonrai Memory Limited (collectively, "the Parties") filed a Joint Motion to Terminate in the above-captioned proceeding. Paper 8 ("Joint Motion"). Along with the Joint Motion, the Parties filed a copy of a Release Agreement (Ex. 1023, "Agreement"), as well as a Joint Request that the Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings. Paper 9 ("Joint Request").

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

In the Joint Motion, the Parties represent that the Agreement "completely resolves all pending controversies between Sonrai and Oracle concerning U.S. Patent No. 8,193,792." Joint Motion 2. The Parties also represent "no other agreements or understandings, oral or written, between them, including any collateral agreements, made in connection with, or in contemplation of, the dismissal of the present proceeding." *Id.*

We instituted trial for the above-identified *inter partes* review proceedings (*see* Paper 6), but we have not yet decided the merits of the proceedings, and final written decisions have not been entered. Under these

circumstances, we determine that it is appropriate to terminate the proceedings.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings. Joint Request 1. After reviewing the Settlement Agreement, we determine that it is appropriate to treat the Settlement Agreement 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

Accordingly, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and IPR2022-00303 is *terminated*; and

FURTHER ORDERED that the Joint Request to treat the s Agreement as business confidential information is *granted*, and the Agreement shall be kept separate from the file of U.S. Patent No. 8,193,792 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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