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Paper 14
Date: September 8, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PDF SOLUTIONS, INC.
Petitioner,

v.

OCEAN SEMICONDUCTOR LLC,
Patent Owner.

IPR2022-00672
Patent 6,725,402 B1

Before MIRIAM L. QUINN, JOHN D. HAMANN, and DAVID COTTA, *Administrative Patent Judges*.

COTTA, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

On March 9, 2022, PDF Solutions, Inc. ("Petitioner") filed a Petition requesting *inter partes* review of U.S. Patent No. 6,725,402 ("the '402 patent"). Paper 2. Ocean Semiconductor LLC ("Patent Owner") filed a Preliminary Response on June 10, 2022. Paper 7. On September 2, 2022, with our prior authorization, Petitioner filed a Motion to Dismiss its Petition. Ex. 3001 (email authorization to file motion to dismiss); Paper 10 (motion). The motion was accompanied by Exhibit 1027, which Petitioner represents is "a true copy of any agreement or understanding between Petitioner and Patent Owner made in connection with, or in contemplation of, the dismissal of the Petition with this motion." Paper 10, 1. The parties jointly request that Exhibit 1027 be treated business confidential information and kept as separate from the file of this *inter partes* review proceeding. Paper 11. In addition, during a conference call with the parties, we requested Patent Owner file, as business confidential information, Exhibit 2004, which is a separate agreement. Patent Owner agreed to file Exhibit 2004, and Petitioner stated that it did not object to its filing. In connection with filing Exhibit 2004, Patent Owner filed a Motion to Seal requesting that Exhibit 2004 be maintained under seal. Paper 12.[1] Patent Owner represents that Petitioner does not oppose this motion. *Id.* at 3.

In the Motion to Dismiss, Petitioner represents that the parties have met and conferred and that Patent Owner does not oppose Petitioner's motion. Paper 10, 1. Petitioner further represents that other than a "Motion

[1] Patent Owner's Motion requests that Exhibit 2004 be sealed under 37 C.F.R. § 42.54(a). Based on the discussion in the conference call, and the circumstances under which Exhibit 2004 was filed, we treat this request under 37 C.F.R. § 42.74(c), which seems to better fit the facts under which Exhibit 2004 was filed than does 37 C.F.R. § 42.54(a).

to Compel filed by Patent Owner against Petitioner as a third-party in the Northern District of California," there are no pending disputes regarding the ['402 patent]." *Id.* Finally, Petitioner represents that "[t]he parties do not anticipate any disputes between them concerning the ['402 patent]." *Id.*

We have not yet issued an institution decision in this case. In view of the early stage of the proceedings, the fact that Patent Owner does not oppose dismissal, and Petitioner's representation that the parties "do not anticipate any disputes" concerning the '402 patent, we determine that good cause exists to end the proceedings.

With respect to Exhibits 1027 and 2004, we have reviewed them and find that they should be treated as business confidential information and kept as separate from the file of this *inter partes* review proceeding (Paper 11) pursuant to 35 U.S.C. §§ 317(b) and 37 C.F.R. § 42.74(c).

ORDER

Accordingly, it is:

ORDERED that the Motion to Dismiss is granted, and the proceeding is terminated prior to institution of trial pursuant to 37 C.F.R. §§ 42.73(a) and 42.74; and

FURTHER ORDERED that Exs. 1027 and 2004 shall be kept separate from the files of the patent at issue in this proceeding, 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).

PETITIONER:

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