Trials@uspto.gov
571-272-7822

Paper 23
Date: April 16, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

BiTMICRO LLC,
Patent Owner.

IPR2023-00781 (Patent 7,826,243 B2)
IPR2023-00783 (Patent 6,496,939 B2)
IPR2023-00785 (Patent 9,858,084 B2)
IPR2023-00787 (Patent 10,120,694 B2)

Before KEN B. BARRETT, KRISTINA M. KALAN,
TERRENCE W. McMILLIN, and KEVIN C. TROCK,
Administrative Patent Judges.[1]

TROCK, *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 is not an expanded panel, but rather a complete listing of all the Administrative Patent Judges presiding over the four captioned proceedings.

I. BACKGROUND

On April 3, 2024, with Board authorization, Petitioner Intel Corporation and Patent Owner BiTMICRO, LLC (the "Parties") filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74. Paper 19 ("Motion" or "Mot.").[2] Along with the Motion, the Parties filed Exhibit 2100, "a true and correct copy of the Confidential Settlement and License Agreement" (the "Settlement Agreement") resolving the dispute between the parties at issue in this *inter partes* review. Mot. 2. The Motion states that "[t]here are no other collateral agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding." *Id.* The Parties jointly request termination and "submit that termination is appropriate because they have reached an agreement resolving the dispute involving the patent at issue" in the above-captioned *inter partes* review proceedings. *Id.* at 1.

The Parties also filed a Joint Request to treat their Settlement Agreement as business confidential information, and to maintain the filed copy of the Settlement Agreement (Ex. 2100) separate from the public file pursuant to 37 C.F.R. § 42.74(c). Paper 20.

II. DISCUSSION

We have not yet decided the merits of these proceedings, and a final written decision has not been entered. However, "[t]he Board expects that a

[2] The parties filed substantially identical documents in IPR2023-00781, IPR2023-00783, IPR2023-00785 and IPR2023-00787. For convenience, we cite only to the record in IPR2023-00781. This Order applies in all four captioned proceedings.

proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding," because of the "strong public policy reasons to favor settlement between the parties to a proceeding." Consolidated Trial Practice Guide, November 2019, 86 (available at https://www.uspto.gov/about-us/news-updates/consolidated-trial-practice-guide-november-2019). Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown adequately that termination of the proceedings is appropriate because of the resolution of their dispute. Under these circumstances, we determine that good cause exists to terminate the proceedings.

After reviewing the Settlement Agreement (Ex. 2100) between the Parties, we find that the Settlement Agreement contains confidential business information concerning the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between the Parties 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, for the reasons discussed above, it is

ORDERED that the Joint Motion to Terminate (Paper 19) is *granted* in IPR2023-00781, and IPR2023-00781 is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72;

FURTHER ORDERED that the Joint Motion to Terminate (Paper 20) is *granted* in IPR2023-00783, and IPR2023-00783 is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72;

FURTHER ORDERED that the Joint Motion to Terminate (Paper 21) is *granted* in IPR2023-00785, and IPR2023-00785 is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72;

FURTHER ORDERED that the Joint Motion to Terminate (Paper 21) is *granted* in IPR2023-00787, and IPR2023-00787 is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that in each of the four above-captioned proceedings, the Joint Request to File Settlement Agreement As Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*, and the Settlement Agreement (Exhibit 2100) shall be designated as "Board Only" in the Board's filing system, shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause, and shall be kept separate from the files of the involved patent and associated preliminary proceeding, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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FOR PETITIONER:

Lori A. Gordon
Christina J. McCullough
Matthew W. Hindman
Yuanfeng Gao
Tyler Bowen
PERKINS COIE LLP
gordon-ptab@perkinscoie.com
mccullough-ptab@perkinscoie.com
hindman-ptab@perkinscoie.com
gao-ptab@perkinscoie.com
bowen-ptab@perkinscoie.com

FOR PATENT OWNER:

Wayne M. Helge
James T. Wilson
NOSSAMAN LLP
whelge@nossaman.com
jwilson@nossaman.com