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Paper No. 10
Entered: September 16, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

US CONEC LTD.,
Petitioner,

v.

SENKO ADVANCED COMPONENTS, INC.,
Patent Owner.

IPR2024-00115 Patent 11,307,369 B2
IPR2024-00116 Patent 11,307,369 B2
IPR2024-00117 Patent 11,333,836 B2
IPR2024-00118 Patent 11,340,413 B2
IPR2024-00119 Patent 11,415,760 B2
IPR2024-00120 Patent 10,191,230 C1
IPR2024-00121 Patent 11,181,701 B2[1]

Before BARBARA A. PARVIS, ELIZABETH M. ROESEL,
JOHN A. HUDALLA, and BRIAN D. RANGE,
Administrative Patent Judges.

PER CURIAM.

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

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[1] We issue a single order for entry in each of the referenced cases. The parties are not authorized to use this caption for future filings.

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Joint Motion to Terminate in each of the above-identified proceedings due to settlement ("Joint Motion"). Paper 9.[2] In support of the Joint Motion, the Parties filed a corresponding Settlement Agreement, Ex. 1021 ("Settlement Agreement"), as well as a corresponding Joint Request to Treat Agreement Business Confidential pursuant to 37 C.F.R. § 42.74(c), Paper 10 ("Joint Request").

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings, and that the filed copy of the Settlement Agreement is a true copy. Joint Motions 1. The Parties further represent that their Settlement Agreement resolves all currently pending Patent Office proceedings between the Parties involving the above captioned Patents. *Id*. The Parties further represent that their Settlement Agreement resolves their disputes regarding the related District Court proceeding: *Senko Advanced Components, Inc. v. US Conec Ltd.*¸ No. 1:23-cv-00083 (D. Del.) (filed Jan. 24, 2023). *Id*. Accordingly, the Parties jointly request termination of these proceedings. *Id.*

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[2] For purposes of expediency, we cite to Papers and Exhibits filed in IPR2024-00115, unless otherwise noted. The Parties filed similar Papers and Exhibits in each of the above proceedings.

The Board generally expects that a case "will terminate after the filing of a settlement agreement, unless the Board has already decided the merits." *Consolidated Trial Practice Guide*, 86 (Nov. 2019)[3]; *see* 35 U.S.C. §317(a); 37 C.F.R. § 42.72. Here, although the Board has instituted *inter partes* review of the challenged patents, the Board has not decided the merits of these proceedings. Under these circumstances, therefore, we determine that it is appropriate to terminate these proceedings as to the Parties, without rendering a final written decision.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the respective patents involved in these *inter partes* proceedings. Joint Requests 2. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 37 C.F.R. § 42.74(c). Accordingly, we *grant* this portion of the Joint Request.

However, we deny the portion of the Joint Request specifying that, should there be filed a request for access to the Settlement Agreement, "that any such written request be served upon the parties on the day the written

[3] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

request is provided to the Board." Joint Request 2. The Parties' request is not supported by any statute or rule.

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 is *granted*, and the above-identified proceedings are *terminated*;

FURTHER ORDERED that the Joint Request to Treat the Settlement Agreement as Business Confidential is *granted in part* and *denied in part*, in the manner noted above; and

FURTHER ORDERED that the Settlement Agreement shall be kept separate from the files of Patent 11,307,369 B2, Patent 11,333,836 B2, Patent 11,340,413 B2, Patent 11,415,760 B2, Patent 10,191,230 C1, and Patent 11,181,701 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).

IPR2024-00115 Patent 11,307,369 B2
IPR2024-00116 Patent 11,307,369 B2
IPR2024-00117 Patent 11,333,836 B2
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IPR2024-00119 Patent 11,415,760 B2
IPR2024-00120 Patent 10,191,230 C1
IPR2024-00121 Patent 11,181,701 B2

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