

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VICOR CORPORATION,
Petitioner,

v.

DELTA ELECTRONICS, INC.,
Patent Owner.

IPR2024-00705
Patent 9,819,263 B2

Before THU A. DANG, GEORGIANNA W. BRADEN, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

DANG, *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 and Patent Owner (collectively referred to as “the Parties”) filed a Joint Motion to Terminate due to settlement in the above-captioned proceeding. Paper 26 (“Joint Motion”). In support of the Joint Motion, the Parties filed a confidential settlement agreement (Ex. 1023 (“Settlement Agreement”)), as well as a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 27 (“Joint Request”)) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have settled their dispute relating to the ’263 patent and that the filed Settlement Agreement is a true copy of the Parties’ agreement and there are no collateral agreements or understandings. Joint Motion 1–3.

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

We instituted trial in the above-captioned proceeding on October 1, 2024. Paper 11. We have not yet decided the merits of this proceeding, and a final written decision has not been entered. The Parties have shown adequately that the termination of this proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate this proceeding with respect to the Parties.

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 35 U.S.C. § 317(b) and 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 in the above-captioned proceeding is *granted*, and the above-captioned proceeding is *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request to treat the Settlement Agreement as business confidential information in the above-captioned proceeding is *granted*, and the Settlement Agreement (Exhibit 1023) shall be kept separate from the files of Patent 9,819,263, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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