

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NXP USA, INC.
Petitioner,

v.

BELL SEMICONDUCTOR, LLC,
Patent Owner.

IPR2024-00168
Patent 7,345,245 B2

Before JEFFREY W. ABRAHAM, JOHN D. HAMANN, and
BRIAN D. RANGE, *Administrative Patent Judges*.

RANGE, *Administrative Patent Judge*.

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

I. INTRODUCTION

With Board authorization, NXP USA, Inc. (“Petitioner”) and Bell Semiconductor, LLC (“Patent Owner”) filed a Joint Motion to Terminate the above-identified proceeding (“Joint Motion”). Paper 27. The parties also filed a Settlement Agreement (Exhibit 1027) and a Joint Request that we treat the Settlement Agreement as business confidential information (Paper 28, “Joint Request”). In addition, Patent Owner filed a third-party agreement (“Bell Semic Agreement,” Exhibit 2008) and an Unopposed Request that we treat the Bell Semic Agreement as business confidential information (Paper 29, “Unopposed Request”).

II. DISCUSSION

In the Joint Motion, Petitioner and Patent Owner represent that they have reached an agreement to seek termination of the above-identified proceeding and that the filed copy of the Settlement Agreement is “a true copy of the Agreement between the parties related to the subject patent.” *Id.* at 5. The parties contend that the Settlement Agreement does not reference any other agreement and is the entire agreement between the parties. *Id.* at 4–5. The parties further indicate that the settlement was facilitated by a third party (*id.* at 5), and Patent Owner has submitted that agreement (i.e., the Bell Semic Agreement). *Id.* at 5.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. We instituted trial in the above-identified proceeding on May 8, 2024. Paper 10. We have not yet decided the merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the proceeding has moved beyond the

preliminary stage, Petitioner and Patent Owner have shown adequately that termination of the proceeding is appropriate. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.5(a), 42.72.

The parties also request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of Patent 7,345,245 B2. Joint Request 2. Patent Owner likewise requests that we treat the Bell Semic Agreement as business confidential information and keep it separate from the file of Patent 7,345,245 B2. Unopposed Request 3. After reviewing the Settlement Agreement and Bell Semic Agreement, we find that the agreements contain confidential business information. We determine that good cause exists to treat the Settlement Agreement and Bell Semic Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

For the purpose of clarity, we note that we deny the portion of the Joint Request (Joint Request 2) and the Unopposed Request (Unopposed Request 3) seeking an order from the Board that, in the event a person or entity makes a written request for access to the Settlement Agreement and the Bell Semic Agreement (pursuant to 37 C.F.R. § 42.74(c)(1)–(2)), any such written request be served upon the parties on the day the written request is provided to the Board and the parties be provided an opportunity to respond to the requests. Neither the statute nor the rule includes such a requirement.

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*;

FURTHER ORDERED that IPR2024-00168 is hereby terminated;

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement (Exhibit 1027) shall be kept separate from the file of Patent 7,345,245 B2, 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); and

FURTHER ORDERED that the Unopposed Request is *granted*, and the Bell Semic Agreement (Exhibit 2008) shall be kept separate from the file of Patent 7,345,245 B2, 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).

IPR2024-00168
Patent 7,345,245 B2

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