

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMISSARIAT À L'ENERGIE ATOMIQUE
ET AUX ENERGIES ALTERNATIVES,
Petitioner,

v.

SILICON GENESIS CORPORATION,
Patent Owner.

Case IPR2016-00831 (Patent 6,162,705)
Case IPR2016-00832 (Patent 6,013,563)
Case IPR2016-00833 (Patent 6,103,599)

Before JONI Y. CHANG, J. JOHN LEE, and SHEILA F. McSHANE,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

DECISION
Motion to Terminate
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

IPR2016-00831 (Patent 6,162,705)

IPR2016-00832 (Patent 6,013,563)

IPR2016-00833 (Patent 6,103,599)

Petitioner, Commissariat à l’Energie Atomique et aux Energies Alternatives (“CEA”), and Patent Owner, Silicon Genesis Corporation (“SiGen”), filed a Joint Motion to Terminate Proceedings in each of the above-captioned proceedings (“CEA-SiGen IPRs”). Paper 36 (“Mot.”);¹ *see* Paper 32 (order authorizing joint motion to terminate). The parties indicate that SiGen has reached a settlement agreement with Soitec, S.A., relating to litigation involving the patents challenged in the CEA-SiGen IPRs (“SiGen-Soitec Agreement”). Mot. 1; Ex. 2022. In addition, Soitec and CEA have reached an agreement whereby CEA has agreed to seek termination of the CEA-SiGen IPRs (“CEA-Soitec Agreement”). *Id.* at 1–2; Ex. 1016. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the parties have filed both of these agreements with the Board and represent that “there are no additional agreements between the parties made in connection with, or contemplating the termination of this inter partes review.” *Id.* at 2.

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.” The merits of these proceedings have not yet been decided, and no final written decisions have been entered. Further, the parties have complied with the requirements of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Thus, each of the parties’ Joint Motions to Terminate is *granted*.

¹ All citations in this Decision are to IPR2016-00831. Similar filings were made in all of the above-captioned proceedings.

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In addition, CEA indicates that the CEA-Soitec Agreement is confidential business information and requests it be kept separate from the files of the challenged patents under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 37, 1. Similarly, SiGen indicates that the SiGen-Soitec Agreement is confidential business information and requests it be kept separate from the files of the challenged patents. Paper 38, 1. Both requests are unopposed, and both agreements were filed under seal as “Board Only” information as instructed by the Board. *See* Paper 32, 3 (order setting forth instructions for filing the agreements). We determine both agreements constitute confidential business information and, thus, both parties’ requests are *granted*.

ORDER

It is

ORDERED that the Joint Motion to Terminate Proceedings in each of the CEA-SiGen IPRs is *granted*, and each proceeding is thereby terminated; and

FURTHER ORDERED that the parties’ requests in each of the CEA-SiGen IPRs to keep separate the CEA-Soitec Agreement and SiGen-Soitec Agreement, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*.

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