

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLUIDIGM, CORP.,
Petitioner,

v.

THE BOARD OF TRUSTEES OF
THE LELAND STANFORD JUNIOR UNIV.,
Patent Owner.

Case IPR2017-00013 (Patent 7,563,584 B2)
Case IPR2017-00014 (Patent 7,695,926 B2) ¹

Before ERICA A. FRANKLIN, GEORGIANNA W. BRADEN, and
ZHENYU YANG, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

ORDER

Granting Joint Motions to Terminate the Proceedings After Institution
37 C.F.R. §§ 42.71; 42.74

¹ This Order addresses issues common to each captioned cases. Thus, we enter the same Order in each case.

IPR2017-00013 (Patent 7,563,584 B2)

IPR2017-00014 (Patent 7,695,926 B2)

On June 8, 2017, in each of the above-captioned cases, with authorization of the Board, the parties filed a joint motion to terminate the proceeding pursuant to 37 C.F.R. §§ 42.5(a), 42.71, and 42.72. Paper 8, 2.² The parties also filed an exhibit in each proceeding, Ex. 1016, referred to as “the Settlement agreement between the Petitioner and Patent Owner.” Paper 9, 2. Additionally, citing to 37 C.F.R. § 42.74 (c), the parties filed a joint request in each proceeding that the settlement agreement be treated as business confidential information and “kept separate from the files of these proceedings and the involved patents.” *Id.*

Pursuant to our instruction, Paper 10, the parties have subsequently filed in each proceeding what they refer to as “the full Settlement Agreement between Petitioner and Patent Owner.” *See* Ex. 1016 (filed June 14, 2017). With that filing, the parties also filed a Renewed Joint Motion to Terminate the Proceeding and a Joint Request to Treat (the original and supplemental) Exhibit 1016 as Business Confidential Information. Papers 11, 12.

Based upon the filing of the “full Settlement Agreement, we consider the parties to have satisfied 37 C.F.R. § 42.74(b). Further, we agree with the parties that termination of the proceedings is appropriate because they have reached an agreement settling their dispute with respect to the involved patents. Paper 6, 2. Under these circumstances, we determine that it is appropriate to enter judgment terminating the proceedings. Additionally, the parties’ request for the settlement agreement to be treated as business confidential information and kept separate from the file of the involved

² Citations to paper and exhibit numbers in this Order refer to filings in IPR2017-00013. Similar documents were filed in each captioned case.

IPR2017-00013 (Patent 7,563,584 B2)

IPR2017-00014 (Patent 7,695,926 B2)

patent is *granted*.

Accordingly, it is hereby

ORDERED that the joint motions to terminate the proceedings are *granted*;

FURTHER ORDERED that the joint requests that the settlement agreement be treated as business confidential information and kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*;

FURTHER ORDERED that the proceeding in each of the above-captioned cases is *terminated*.

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