

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

JAKUTA DIODES, LLC,  
Patent Owner.

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Case IPR2017-00379  
Patent 6,079,854

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Before KEN B. BARRETT, LYNNE E. PETTIGREW, and TERRENCE W.  
McMILLIN, *Administrative Patent Judges*.

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DECISION

Granting Motion to Dismiss and Terminate  
*37 C.F.R. §§ 42.5(a) and 42.71(a)*

and

Granting Motion to Keep Confidential  
*37 C.F.R. § 42.74(c)*

On March 6, 2017, the parties filed a Joint Motion to Dismiss and Terminate the Proceeding (Paper 7) and a Joint Motion to Keep Confidential (Paper 8). The Joint Motion to Keep Confidential relates to an agreement filed as Exhibit 1017. The parties state, “there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding and that EX1017 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.” Paper 7.

This proceeding is at an early stage. Petitioner filed a Petition for *Inter Partes* Review of claims 3, 4, 7–11, 19, and 27 of the ’854 patent on December 7, 2016. Paper 3. Patent Owner has yet to file a preliminary response, and we have neither considered the merits of the Petition nor decided whether to institute trial.

Under the foregoing circumstances, we determine it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). We also determine it is appropriate to treat the parties’ agreement (Ex. 1017) as confidential and to keep this document separate from the files of the ’854 patent.

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is hereby:

ORDERED that the Joint Motion to Dismiss and Terminate the Proceeding (Paper 7) is granted;

FURTHER ORDERED that the Petition for *Inter Partes* Review of U.S. Patent No. 6,079,854 is dismissed;

FURTHER ORDERED that the Joint Motion to Keep Confidential (Paper 8) is granted; and

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FURTHER ORDERED that Exhibit 1017 be maintained as  
confidential business information and kept separate from the files of U.S.  
Patent No. 6,079,854.

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