

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALENS SEMICONDUCTOR LTD.,
Petitioner,

v.

VESPER TECHNOLOGY RESEARCH, LLC,
Patent Owner.

Case IPR2017-00865
Patent 6,611,247 B1

Before KEVIN F. TURNER, JASON J. CHUNG, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate

35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

Pursuant to our authorization, on May 30, 2017, the parties filed a revised joint Motion to Terminate Proceedings and Request to File Settlement Agreement as Business Confidential Information. Paper 8. Along with the motion, the parties filed a copy of a document they represent

is a true copy of the settlement agreement between the parties, together with its associated exhibits, as Exhibit 2002. *Id.* at 2. The parties represent that there are no collateral agreements made in connection with the termination of this *inter partes* review. *Id.* at 2–3. The parties also represent that the settlement agreement and its exhibits are reproduced exactly in the form in which they were reviewed and signed by the parties, the redactions in the exhibits were present when the agreement was reviewed and signed, and that these redactions omit terms of previous agreements that were not made known to Petitioner in accordance with third party confidentiality. *Id.* at 2 n.1. The parties request the settlement agreement (Ex. 2002) be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). *Id.* at 3.

The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which shall be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)–(b). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination of an *inter partes* review shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of such review as between the parties. 35 U.S.C. § 317(b).

The proceeding is at an early stage, with the Office not yet having determined whether to institute the proceeding. Additionally, the parties have complied with 35 U.S.C. 317(b). Under the circumstances, we determine that it is appropriate to terminate this proceeding with respect to all parties without rendering a final written decision. We further determine the request to treat the settlement agreement (Ex. 2002) as business

confidential information was timely filed with the settlement agreement, and, therefore, grant the request. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

It is

ORDERED that the revised joint Motion to Terminate the captioned proceeding is *granted*; and

FURTHER ORDERED that the joint request that the settlement agreement (Ex. 2002) be treated as business confidential information pursuant to § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

IPR2017-00865
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