

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDISK LLC,
Petitioner,

v.

MEMORY TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2017-01022
Patent RE45,542 E

Before MICHAEL J. FITZPATRICK, STACEY G. WHITE, and
GARTH D. BAER, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER

Dismissing Petition; Granting Request to Treat Settlement Documents as
Confidential Business Information
37 C.F.R. §§ 42.71(a), 42.74(c)

On July 7, 2017, the parties filed a Joint Motion to Terminate Proceeding and Joint Request to Keep Papers Separate as Business Confidential Information. Paper 6. Because we have not instituted an *inter partes* review, we treat the Joint Motion to Terminate as a joint motion to dismiss the Petition. The Motion requests dismissal because the parties have settled all disputes between them regarding the patent that was the subject of the Petition, U.S. Patent No. RE45,542 E (“the ’542 patent”). Paper 6, 2. The parties concurrently filed, as Exhibit 2001, a true copy of their Settlement and License Agreement. *Id.* at 3; Ex. 2001.

This proceeding is at an early stage. Petitioner filed a Petition for *Inter Partes* Review of certain claims of the ’542 patent on March 3, 2017. Paper 1. Patent Owner has not filed a Preliminary Response, and we have neither considered the merits of the Petition nor decided whether to institute trial.

Under these circumstances, we determine it is appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a). We also determine it is appropriate to treat the parties’ Settlement and License Agreement (Ex. 2001) as confidential business information, and to keep that document separate from the files of the ’370 patent.

Accordingly, it is hereby:

ORDERED that the Petition for *Inter Partes* Review of U.S. Patent No. RE45,542 E is dismissed; and

FURTHER ORDERED that Exhibit 2001 (“Settlement Agreement”) be maintained as confidential business information and kept separate from the files of U.S. Patent No. RE45,542 E.

IPR2017-01022
Patent RE45,542 E

PETITIONER:

Eliot Williams
eliot.williams@bakerbotts.com

Brian Oaks
brian.oaks@bakerbotts.com

David Wu
david.wu@bakerbotts.com

Chris Ryan
chris.ryan@bakerbotts.com

Jason German
jason.german@bakerbotts.com

PATENT OWNER:

Timothy Maloney
tim@fitcheven.com

Nicholas T. Peters
ntpete@fitcheven.com

Thomas Lebens
tom@fitcheven.com

Paul Henkelmann
phenkelmann@fitcheven.com