

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANDISK LLC,  
Petitioner,

v.

MEMORY TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2017-01069  
Patent 7,275,186 B2

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

BAER, *Administrative Patent Judge*.

ORDER

Dismissing Petition  
*37 C.F.R. §§ 42.5(a) and 42.71(a)*

and

Granting Request to Treat Settlement Documents as  
Confidential Business Information  
*37 C.F.R. § 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 U.S. Patent No. 7,275,186 B2 (“the ’186 patent”). Paper 6, 2. The parties concurrently filed a true copy of their Settlement and License Agreement. *Id.* at 3; *see* Ex. 2001.

This proceeding is at an early stage. Petitioner filed a Petition for *Inter Partes* Review of certain claims of the ’186 patent on March 10, 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. §§ 42.5(a), 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 ’186 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 Petition for *Inter Partes* Review of U.S. Patent No. 7,275,186 B2 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. 7,275,186 B2.

IPR2017-01069  
Patent 7,275,186 B2

**PETITIONER:**

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