

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.,
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

Case IPR2017-01183 (Patent 7,720,294 B2)
Case IPR2017-01184 (Patent 7,472,151 B2)¹

Before PATRICK M. BOUCHER, WILLIAM M. FINK, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

DECISION

Joint Motions to Dismiss Petitions and
Joint Requests to Treat Information as Confidential
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ The parties are not authorized to use this style of filing in subsequent papers without prior authorization.

Pursuant to our authorization, the parties filed Joint Motions to Dismiss Petitions and Joint Requests to Treat Information as Confidential in each of the captioned proceedings on August 30, 2017. Paper 7; Paper 8.² By way of background, the parties explain that Patent Owner had been involved in a related district court proceeding with (third party) Sony Corporation, i.e., *Broadcom Corp. v. Sony Corp.*, No. 8:16-cv-01052 (C.D. Cal), but that Petitioner was not a party to that district court proceeding. Paper 7, 1. The parties represent that Patent Owner has settled its litigation with Sony, and, in any event, “there is no current dispute between the parties” to these proceedings. *Id.* at 2. The parties “have conferred and agreed that it is in both parties’ interest that the current Petition[s] be dismissed.” *Id.* at 1–2 (citing Ex. 1009). As such, the parties seek termination of the proceedings to minimize unnecessary costs. *Id.* at 3.

The parties have submitted with their Motions “a signed agreement to dismiss the present petition.” Paper 8, 1 (citing Ex. 1009). The parties request that the Board treat this agreement as business confidential information and maintain the agreement separate from the file of the involved patents because the agreement contains certain confidential and sensitive business information of the parties. *Id.*

² Citations are to IPR2017-01183.

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“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a). The Office has not yet decided the merits of the proceedings, which remain at an early stage. We determine that good cause exists to terminate each proceeding with respect to all parties without rendering a final written decision.

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 317(b). After reviewing the parties’ settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of the settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).

It is

ORDERED that the Joint Motions to Dismiss Petitions are *granted*;

FURTHER ORDERED that these proceedings are hereby terminated as to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Requests to Treat Information as Confidential are *granted*; and

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FURTHER ORDERED that the filed settlement agreement (Ex. 1009 in IPR2017-01183; Ex. 1015 in IPR2017-01184) be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and also remain designated as “Parties and Board Only” in the Board’s electronic filing system.

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