

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NITTO DENKO CORP.,
Petitioner,

v.

HUTCHINSON TECHNOLOGY INC.,
Patent Owner.

IPR2018-01300 (Patent 8,169,746)¹
IPR2018-01301 (Patent 6,714,385)
IPR2018-01302 (Patent 6,295,183)
IPR2018-01303 (Patent 7,468,866)
IPR2018-01304 (Patent 5,883,758)
IPR2018-01305 (Patent 7,532,438)
IPR2018-01042 (Patent 7,781,679)

Before THU A. DANG, BARBARA A. PARVIS, SHEILA F. McSHANE,
STACY B. MARGOLIES, and ALEX S. YAP, *Administrative Patent
Judges.*²

PER CURIAM.

SETTLEMENT
Prior to Institution of Trial
35 U.S.C. § 316(a)(4); 37 C.F.R. § 42.74

¹ This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this heading style in any subsequent papers.

² This is not an expanded panel of the Board. It is a listing of all Judges on the panels of the above-listed proceedings.

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On January 11, 2019, the parties filed Joint Motions to Terminate pursuant to 35 U.S.C. § 317 in each of the above-captioned cases. IPR2018-01300, Paper 8 (“Mot.”)³; IPR2018-01301, Paper 7; IPR2018-01302, Paper 6; IPR2018-01303, Paper 7; IPR2018-01304, Paper 7; IPR2018-01305, Paper 7; IPR2018-01042, Paper 7. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner filed a copy of the Settlement Agreement, and a related agreement, along with Joint Requests That the Parties’ Agreements Be Treated As Business Confidential Information, requesting that the agreements be kept separate from the patent file in each of the abovementioned cases and be treated as business confidential information. IPR2018-01300, Paper 9; IPR2018-01301, Paper 8; IPR2018-01302, Paper 7; IPR2018-01303, Paper 8; IPR2018-01304, Paper 8; IPR2018-01305, Paper 8; IPR2018-01042, Paper 8.

The cases IPR2018-01300, IPR2018-01301, IPR2018-01302, IPR2018-01303, IPR2018-01304, IPR2018-01305, and IPR2018-01042, are in the preliminary stages and no decisions whether to institute trials have been made. The parties indicate that terminations of the proceedings are appropriate because a settlement has been reached disposing of related disputes. Mot. 1. The parties represent that all disputes have been settled,

³ Further citations are to IPR2018-01300 as representative, except as otherwise noted herein.

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agreements have been executed authorizing the requests for termination, and all related settlement agreements have been filed. *Id.* at 2–3.

Under these circumstances, we determine that it is appropriate to terminate each case without rendering a decision on institution or final written decision. 37 C.F.R. § 42.74. Therefore, the Joint Motions to Terminate are granted.

Accordingly, it is

ORDERED that the parties' requests that the Settlement Agreement and related agreement in each of the above-captioned cases be treated as business confidential information, to be kept separate from the patent file, are *granted*;

FURTHER ORDERED that the Settlement Agreements and related agreements (IPR2018-01300, Exs. 1021, 1022; IPR2018-01301, Exs. 1010, 1011; IPR2018-01302, Exs. 1010, 1011; IPR2018-01303, Exs. 1005, 1006; IPR2018-01304, Exs. 1006, 1007; IPR2018-01305, Exs. 1012, 1013; and IPR2018-01042, Exs. 1016, 1017) shall be treated as business confidential information and shall be kept separate from the pertinent file consistent with 37 C.F.R. § 42.74(b);

FURTHER ORDERED that the Joint Motions to Terminate are *granted*; and

FURTHER ORDERED that the proceedings are *terminated*.

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