

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC.,
SK HYNIX INC., and SK HYNIX AMERICA INC.,
Petitioner,

v.

BITMICRO, LLC,
Patent Owner.

IPR2018-01410 and IPR2018-01411 (Patent 6,529,416 B2)
IPR2018-01545 (Patent 8,093,103 B2)
IPR2018-01720 (Patent 7,826,243 B2)¹

Before KEN B. BARRETT, KRISTINA M. KALAN, and
KEVIN C. TROCK, *Administrative Patent Judges*.

PER CURIAM.

ORDER

Termination of the Proceedings with Respect to Samsung Electronics Co.,
Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc.
35 U.S.C. § 317(a)

¹ This Order addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Order to be entered in each proceeding. The Parties are not authorized to use this joint heading and filing style in their papers.

IPR2018-01410 and IPR2018-01411 (Patent 6,529,416 B2)

IPR2018-01545 (Patent 8,093,103 B2)

IPR2018-01720 (Patent 7,826,243 B2)

We instituted trial in each of the above-identified proceedings (IPR2018-01410, Paper 14 (January 23, 2019); IPR2018-01411, Paper 14 (January 23, 2019); IPR2018-01545, Paper 14 (March 7, 2019); and IPR2018-01720, Paper 14 (March 29, 2019)). On April 24, 2019, the parties filed a Joint Motion to Terminate in each of these proceedings (collectively “Joint Motions to Terminate”) requesting that these proceedings be terminated with respect to Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (collectively, “Samsung”) pursuant to 35 U.S.C. § 317(a). Paper 24.² The parties represent that SK Hynix Inc. and SK Hynix America Inc. (“SK Hynix”) intend to continue with each of these proceedings. *Id.* With their motion to terminate, Samsung and Patent Owner also filed a copy of a written settlement agreement terminating the underlying district court litigation between them and terminating the underlying International Trade Commission investigation as to Samsung. Ex. 1300.³ Samsung and Patent Owner represent that the “settlement agreement is the only agreement or understanding between Samsung and Patent Owner made in connection with, or in contemplation of dismissing Samsung.” Paper 24, 3. In each of these proceedings, the parties filed a Joint Request that the settlement

² For purposes of expediency, we cite to Papers filed in IPR2018-01410. Petitioner filed a similar Joint Motion to Terminate in IPR2018-01411 (Paper 24), IPR2018-01545 (Paper 16), and IPR2018-01720 (Paper 16).

³ For purposes of expediency, we cite to the copy of the written settlement agreement filed in IPR2018-01410. Petitioner also filed a copy of the written settlement agreement in each of IPR2018-01411 (Ex. 1300), IPR2018-01545 (Ex. 1300), and IPR2018-01720 (Ex. 1300).

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agreement be kept confidential. Paper 25.⁴

A decision on the merits has not been reached, yet, in these proceedings. Accordingly, these proceedings are terminated with respect to Samsung. 35 U.S.C. § 317(a) (“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.”).

Accordingly, it is

ORDERED that the Joint Requests that the settlement agreements (IPR2018-01410, Ex. 1300; IPR2018-01411, Ex. 1300; IPR2018-01545, Ex. 1300; and IPR2018-01720, Ex. 1300) be treated as business confidential information and be kept separate from the files of the above-identified proceedings and from the files of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*;

FURTHER ORDERED the Joint Motions to Terminate the above-identified proceedings with respect to Samsung are *granted*; and

FURTHER ORDERED that the above-identified proceedings will continue with SK Hynix Inc. and SK Hynix America Inc. as the sole named petitioners.

⁴ Petitioner filed similar Joint Requests in IPR2018-01411 (Paper 25), IPR2018-01545 (Paper 17), and IPR2018-01720 (Paper 17).

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IPR2018-01720 (Patent 7,826,243 B2)

FOR PETITIONER:

F. Christopher Mizzo
Craig Murray
Gregory S. Arovas
G. William Foster
KIRKLAND & ELLIS LLP
chris.mizzo@kirkland.com
craig.murray@kirkland.com
greg.arovas@kirkland.com
billy.foster@kirkland.com

Joseph Colaianni
Linhong Zhang
David Holt
FISH & RICHARDSON P.C
colaianni@fr.com
lwzhang@fr.com
holt2@fr.com

FOR PATENT OWNER:

Wayne M. Helge
James T. Wilson
Aldo Noto
DAVIDSON BERQUIST JACKSON & GOWDEY L.L.P.
whelge@dbjg.com
jwilson@dbjg.com
anoto@davidsonberquist.com