

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner,

v.

MEMORY TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2019-00642 (Patent 8,307,180 B2)
Case IPR2019-00643 (Patent RE45,486 E)
Case IPR2019-00645 (Patent 9,367,486 B2)
Case IPR2019-00648 (Patent 9,063,850 B2)

Before JAMESON LEE, J. JOHN LEE, and JASON M. REPKO,
Administrative Patent Judges.

LEE, J. JOHN, *Administrative Patent Judge.*

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

IPR2019-00642 (Patent 8,307,180 B2)
IPR2019-00643 (Patent RE45,486 E)
IPR2019-00645 (Patent 9,367,486 B2)
IPR2019-00648 (Patent 9,063,850 B2)

On September 6, 2019, Petitioner Kingston Technology Company, Inc., and Patent Owner Memory Technologies, LLC, filed a Joint Motion to Terminate (*e.g.*, Paper 12*) and a Joint Motion to File Settlement Agreement as Business Confidential Information (*e.g.*, Paper 13) in each of the above-captioned proceedings. The parties represent that they have reached a Settlement Agreement, which is in writing and a true copy of which has been filed in conjunction with the above motions as required under 37 C.F.R. § 42.74(b). Paper 12, 1; Ex. 1026. The parties also certify that no other agreements exist between the parties concerning these cases or the patents at issue. Paper 9, 1.

“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). We have not decided the merits of any of the above-captioned proceedings and, thus, these proceedings must be terminated with respect to Petitioner. Although the Board retains the authority to continue the proceeding without a petitioner (*see* 37 C.F.R. § 42.74(a)), we determine that termination of these proceedings in their entirety is appropriate here. Thus, we grant the Joint Motions to Terminate in each proceeding. We further determine that the Settlement Agreement filed by the parties constitutes business confidential information. Therefore, the parties’ Joint

* All citations herein are to IPR2019-00642. Similar filings were made in all of the above-captioned cases.

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Motions to File Settlement Agreement as Business Confidential Information are granted under 37 C.F.R. § 42.74(b) in each proceeding.

ORDER

It is

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

FURTHER ORDERED that the parties' Joint Motions to File Settlement Agreement as Business Confidential Information are *granted*; and

FURTHER ORDERED that Exhibit 1026 of IPR2019-000642, Exhibit 1016 of IPR2019-000643, Exhibit 1026 of IPR2019-000645, and Exhibit 1021 of IPR2019-000648, shall be kept separate from the pertinent files consistent with 37 C.F.R. § 42.74(b).

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IPR2019-00648 (Patent 9,063,850 B2)

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