

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMART MODULAR TECHNOLOGIES, INC.,
Petitioners

v.

JAMES B. GOODMAN,
Patent Owner

Case IPR2015-01675
Patent 6,243,315 B1

Before BRIAN J. MCNAMARA, PATRICK M. BOUCHER, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

ORDER AUTHORIZING FILING OF MOTION TO TERMINATE
Conduct of the Proceeding
37 C.F.R. § 42.5

In an e-mail correspondence on August 24, 2016, the parties advised the Board they seek authorization to file a joint motion to terminate this *inter partes* review. We authorize the parties to do so.

The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which must be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)–(b). We remind the parties that an agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination of an *inter partes* review must be in writing and a true copy of the agreement or understanding must be filed in the Office before the termination. 35 U.S.C. § 317(b). The Joint Motion to Terminate also must include a statement certifying that there are no additional collateral agreements or understandings made in connection with, or in contemplation of, the termination of the *inter partes* review.

An oral hearing is scheduled in this case for October 25, 2016. Due to the advanced status of the proceeding, the Motion to Terminate should explain the reasons the parties seek termination and why termination is appropriate. The Joint Motion to Terminate must update the Board concerning the status of any litigation or proceeding, including but not limited to proceedings in the U.S. Patent and Trademark Office involving the subject patent, and advise the Board whether any litigation or proceeding involving the subject patent is contemplated in the foreseeable future. A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an

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involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement. 37 C.F.R. § 42.74(c).

It is **ORDERED** that the parties are authorized to file a Joint Motion to Terminate the proceeding and a Joint Request That the Settlement Agreement Be Treated as Business Confidential Information.

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