

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SMART MODULAR TECHNOLOGIES, INC.,  
Petitioner,

v.

JAMES B. GOODMAN,  
Patent Owner.

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Case IPR2015-01675  
Patent 6,243,315 B1

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

BAER, *Administrative Patent Judge*.

DECISION

Termination of the Proceeding  
*37 C.F.R. §§ 42.72, 42.73, 42.74*

I. DISCUSSION

On October 3, 2016, the parties filed a Joint Motion to terminate this proceeding under 35 U.S.C. § 317. Paper 19. The parties also filed a true copy of their settlement agreement. Ex. 1021. The parties indicate in their

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Joint Motion that termination of this proceeding is appropriate because they have settled their disputes involving U.S. Patent No. 6,243,315 B1 (“the ’315 patent”). *See* Paper 19, 2. The parties further certify that there are no collateral agreements or understandings made in connection with the termination of this proceeding. *Id.* The Joint Motion also indicates that “Patent Owner plans to license and if necessary, enforce his rights under the ’315 Patent, but not against [Petitioner].” *Id.* at 3.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The parties are requesting termination before the oral hearing and before the Board’s final written decision. We also note that briefing has not been completed, as Petitioner has not filed a Reply to Patent Owner’s Response.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.” As the parties have filed their written settlement agreement, we determine it is appropriate to terminate this proceeding without rendering a Final Written Decision as to the patentability of claims 1, 5, 10, and 16 of the ’315 patent. *See* 37 C.F.R. §§ 42.72, 42.73, 42.74.

## II. ORDER

Accordingly, it is:

ORDERED that the parties’ Joint Motion to terminate this proceeding is *granted* and this case is hereby terminated.

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