

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2015-01944
Patent 5,812,789

Before MICHAEL R. ZECHER, JAMES B. ARPIN, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION
Termination of Trial
35 U.S.C. § 317 and 37 C.F.R. § 42.72

I. DISCUSSION

On May 24, 2016, the parties filed a Joint Motion to Terminate this proceeding (Paper 9), a true copy of the parties' settlement agreement (Ex. 1041), and a request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 10).

The trial is still in its preliminary stages. On March 30, 2016, we entered a decision instituting an *inter partes* review of claims 1, 3–6, 11, and 13 (“all challenged claims”) of U.S. Patent No. 5,812,789 (Ex. 1001, “the ’789 patent”). Paper 7. Although we have instituted a trial, Patent Owner, Parthenon Unified Memory Architecture LLC, has not filed a response to the Petition, nor has Petitioner, Samsung Electronics Company, Ltd. and Samsung Electronics America, Inc., filed a reply.

In the Joint Motion to Terminate this proceeding, the parties indicate that they have settled their disputes regarding the ’789 patent. Paper 9, 2. The parties represent that the ’789 patent was asserted against multiple companies in the United States District Court for the Eastern District of Texas. *Id.* at 2–3. The parties also represent that the ’789 patent is involved in Cases IPR2016-00664, IPR2016-00847, and IPR2016-00923, each of which includes a Motion for Joinder to this proceeding that is pending. *Id.* at 3.

We note, however, that the time period for filing the Patent Owner Preliminary Responses in Cases IPR2016-00664, IPR2016-00847, and IPR2016-00923 has yet to expire and these cases have yet to be joined to this proceeding. Motions for Joinder in these cases do not, and should not, act as an automatic stay of this proceeding. Based on the settlement reached by the parties to this proceeding, the trial is now ready to be terminated. Consequently, we determine

IPR2015-01944
Patent 5,812,789

that it is appropriate to terminate the trial without rendering any further decisions.
See 37 C.F.R. § 42.72.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 1041) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

IPR2015-01944
Patent 5,812,789

For PETITIONER:

Allan M. Soobert
Naveen Modi
PAUL HASTINGS LLP
Samsung-PUMA-IPR@paulhastings.com

For PATENT OWNER:

Massod Anjom
Alisa Lipski
AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING P.C.
manjom@azalaw.com
alipski@azalaw.com