

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE USA, Inc.,
Petitioner,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2016-00667
Patent 7,542,045 B2

Before JAMES B. ARPIN, MATTHEW R. CLEMENTS, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

DECISION

Termination of the Proceeding and Dismissal of Joinder Motion
37 C.F.R. §§ 42.72, 42.74, and 42.122(b)

I. DISCUSSION

On August 19, 2016, the Parties filed a Joint Motion to Terminate this proceeding (Paper 11), a true copy of the Parties' settlement agreement (Ex. 2001), 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 13).

This proceeding is still in its preliminary stages. On February, 26, 2016, Petitioner, ZTE USA, Incorporated ("ZTE"), filed a Petition requesting an *inter partes* review of claims 1, 2, 4–7, 9, 10, 12, 13, and 15–17 of U.S. Patent No. 7,542,045 B2 (Ex. 1001, "the '045 patent"). Paper 2. ZTE filed its Petition along with a Motion for Joinder requesting that we join ZTE as a party with *HTC Corp. et al. v. Parthenon Unified Memory Architecture LLC*, Case IPR2015-01502. Paper 3. Patent Owner, Parthenon Unified Memory Architecture, Limited Liability Company, did not file a Preliminary Response in this proceeding. We have not entered a decision whether or not to institute an *inter partes* review.

In the Joint Motion to Terminate this proceeding, the Parties represent that they have settled all of their disputes regarding the '045 patent. Paper 11, 2. The Parties further represent that the '045 patent was asserted against multiple companies in the United States District Court for the Eastern District of Texas. *Id.* In addition to this proceeding, the Parties represent that they are involved in the following proceedings before the Board: (1) Case IPR2016-00664; (2) Case IPR2016-00665; (3) Case IPR2016-0666; and (4) Case IPR2016-00670. *Id.* at 3. According to the Parties, they are in the process of filing a Joint Motion to Terminate in each of these proceedings. *Id.* Lastly, the Parties represent that the '045 patent remains at issue in the following proceedings before the Board: (1) Case IPR2015-01502 and (2) Case IPR2016-01134. *Id.* Under these particular

circumstances, we determine that it is appropriate to terminate this proceeding 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. 2001) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is *granted*, and this proceeding is hereby terminated; and

FURTHER ORDERED that, because this proceeding has been terminated, ZTE's Motion for Joinder is *dismissed as moot*.

For PETITIONER:

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