

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLIED MATERIALS, INC. and STMICROELECTRONICS, INC.,<sup>1</sup>  
Petitioner,

v.

OCEAN SEMICONDUCTOR LLC,  
Patent Owner.

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IPR2021-01342 (Patent 6,968,248 B1)  
IPR2021-01344 (Patent 6,907,305 B2)

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Before MIRIAM L. QUINN, JOHN D. HAMANN, and DAVID COTTA,  
*Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

TERMINATION OF STMICROELECTRONICS  
Due to Settlement After Institution of Trial and  
*Granting Joint Request to Treat Settlement Agreement as  
Business Confidential Information  
35 U.S.C. § 317; 37 C.F.R. § 42.74*

I. INTRODUCTION

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<sup>1</sup> STMicroelectronics filed a motion for joinder and a petition in IPR2022-00681, which we granted, and we joined STMicroelectronics to IPR2021-01342. STMicroelectronics also filed a motion for joinder and a petition in IPR2022-00680, which we granted, and we joined STMicroelectronics to IPR2021-01344.

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IPR2021-01344 (Patent 6,907,305 B2)

STMicroelectronics, Inc. and Ocean Semiconductor LLC (collectively “the Parties”) have requested that the above-identified *inter partes* review proceedings be terminated with respect to STMicroelectronics, Inc. pursuant to a settlement. Upon authorization by the Board on September 21, 2022, the Parties filed a Joint Motion to Terminate the above-captioned proceedings. IPR2021-01342, Paper 42 (“Joint Motion”); *see also* IPR2021-01344, Paper 42 (identical motion to the paper filed in IPR2021-01342). The Parties also filed a copy of the Settlement Agreement (Ex. 2045 in IPR2021-01342 and IPR2021-01344, “Settlement Agreement”) and filed a Joint Request to Keep Separate (Paper 43 in IPR2021-01342 and IPR2021-01344, “Joint Request”).

## II. DISCUSSION

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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

In the Joint Motion, the Parties jointly request termination of the joined *inter partes* review proceeding. The parties represent that they have reached a settlement, that a true copy of the settlement agreement was filed as an exhibit, and that there are no other agreements between the parties made in connection with, or in contemplation of, the termination. Joint Motion 1–3. The Parties also represent that the district court litigation between the parties has been dismissed with prejudice. Joint Motion 3–4.

We instituted granted STMicroelectronics petitions and granted its motions for joinder on September 2, 2022. IPR2021-01342, Paper 36; IPR2021-01344, Paper 36. We have not yet decided the merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the proceeding has

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moved beyond the preliminary stage, the Parties have shown adequately that the termination of the joined proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the joined proceeding with respect to the Parties.

The Parties also requested that the Settlement Agreements be treated as business confidential information and be kept separate from the file of the involved patents. Joint Request 1. After reviewing the Settlement Agreement between the Parties, we find that the Settlement Agreement contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

### III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion in each captioned proceeding is *granted*, and that IPR2021-01342 and IPR2021-01344 are hereby *terminated* with respect only to Petitioner STMicroelectronics, Inc.; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 6,968,248 B1 and 6,907,305 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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