

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

BELL SEMICONDUCTOR LLC,
Appellant

v.

**ADVANCED SEMICONDUCTOR ENGINEERING,
INC.,**
Appellee

2022-2048

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2021-
00180.

SUA SPONTE

PER CURIAM.

O R D E R

Bell Semiconductor, LLC participated as the sole “patent owner,” *see, e.g.*, 35 U.S.C. §§ 314–16, in the inter partes review of claims 1–7 of U.S. Patent No. 6,624,007 before the Patent Trial and Appeal Board. Bell filed the present appeal from the Board’s final written decision in

the IPR as a “party dissatisfied with” that decision under 35 U.S.C. §§ 319 and § 141(c). It invoked our jurisdiction under 28 U.S.C. § 1295(a)(4)(A) to hear an appeal from a final written decision in an IPR “at the instance of a party who exercised that party’s right to participate in the [IPR] before” the Board.

An assignment of the ’007 patent to Bell Semiconductor, LLC, from Rohm Co., Ltd. (the assignee listed on the face of the patent), is recorded at the PTO. Reel 052261/Frame 0102–04 (executed March 26, 2020; recorded March 30, 2020). Bell initiated district court cases as a “patentee” under 35 U.S.C. § 281 to assert infringement of the ’007 patent. *Bell Semiconductor, LLC v. Microchip Technology Inc.*, Case No. 6:20-cv-296 (W.D. Tex.); *Bell Semiconductor v. NXP Semiconductors, N.V.*, Case No. 1:20-cv-611 (W.D. Tex.). In those cases, questions arose about the scope of Rohm’s assignment to Bell and, more particularly, whether Rohm retained rights in the patent that at least presumptively barred Bell from suing alone, without Rohm’s presence in the infringement action.

Oral argument in the present appeal is scheduled for November 6, 2023.

Accordingly,

IT IS ORDERED THAT:

The parties should be prepared to discuss, at the argument, whether Rohm’s relationship to the patent has a bearing on the present case. Facts of interest include the following:

- (1) When (if ever) Rohm became aware of the IPR proceeding.
- (2) When (if ever) Rohm became aware of the present appeal.

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- (3) Whether Rohm filed anything with the Board in the IPR proceeding seeking to participate or disclaiming an interest in participating.

Legal questions of interest (whose answers may depend on the foregoing or other facts) include the following:

- (1) Whether there is a jurisdictional or other impediment to this court's hearing Bell's appeal without Rohm's presence.
- (2) Whether there was a legal impediment to the Board's rendering its final written decision on the '007 patent or instituting the IPR without Rohm's presence.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

October 24, 2023
Date