

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIPTELA, INC.,
Petitioner,

v.

FATPIPE NETWORKS PRIVATE LIMITED,
Patent Owner.

Case IPR2017-00684
Patent 6,775,235 B2

Before STACEY G. WHITE, MICHELLE N. WORMMEESTER, and
JOHN F. HORVATH, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate
37 C.F.R. §42.72

and

Granting Request to Treat Settlement Document
as Business Confidential Information
37 C.F.R. § 42.74(c)

On June 15, 2018, the parties filed a joint motion to terminate the instant proceeding pursuant to a settlement agreement. Paper 33. The parties also filed a copy of their settlement agreement, made in connection with the termination of the instant proceeding. Ex. 1021. The parties represent that Exhibit 1021 is “a true and correct copy” of their settlement agreement, and that “[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding.” Paper 33. In a concurrently filed paper, the parties jointly request that the settlement agreement be treated as confidential and separate from the file of the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. Paper 34. We authorized the filing of these papers in an e-mail sent on June 14, 2018.

On July 14, 2017, we entered a Decision to Institute an *inter partes* review in this case. Paper 8. Because we did not institute as to all challenged claims and all grounds presented in the Petition, we modified our Decision on May 9, 2018, to include review of all challenged claims and all grounds presented in the Petition. Paper 26; *see SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018) (holding that a decision to institute under 35 U.S.C. § 314 may not institute on less than all claims challenged in the petition). Although we have held an oral hearing as to the originally instituted claims and grounds, we have not yet held an oral hearing as to any newly instituted claim or challenge. Nor have we decided the merits of the proceeding. Based on these facts, it is appropriate to terminate the proceeding in view of the parties’ settlement. Thus, the parties’ joint motion to terminate the proceeding is granted.

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Accordingly, it is

ORDERED that the parties' joint motion to terminate the instant proceeding is *granted*; and

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 1021) be treated as business confidential information and kept separate from the patent file, under the provisions of 35 U.S.C. §317(b) and 37 C.F.R. § 42.74(c), is *granted*.

PETITIONER:

Robert C. Hilton
George B. Davis
MCGUIREWOODS LLP
rhilton@mcguirewoods.com
gdavis@mcguirewoods.com

PATENT OWNER:

Robert C. Mattson
Thomas C. Yebernetsky
OBLON, MCCLELLAND, MAIER
& NEUSTADT, LLP
CPDocketMattson@oblon.com
CPDocketYebernetsky@oblon.com