

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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D-LINK SYSTEMS, INC.,  
Petitioner,

v.

CHRIMAR SYSTEMS, INC.,  
Patent Owner.

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Case IPR2017-00752  
Patent 8,942,107 B2

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Before KARL D. EASTHOM, GREGG I. ANDERSON and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION  
Joint Motion to Terminate  
37 C.F.R. §§ 42.5(a), 42.72

On March 30, 2017, the parties filed a “Joint Motion to Terminate the Proceeding” pursuant to 35 U.S.C. § 317(a) (“Motion,” “Mot.,” Paper 8) based on a settlement that resolves the parties’ disputes related to the challenged patent. Mot. 1.<sup>1</sup> The parties concurrently filed a Joint Request to Keep Exhibit 1019 Separate and Confidential Pursuant to 37 C.F.R. §42.74(c) (“Confidentiality Request,” “Conf. Req.,” Paper 9). The parties represent that Exhibit 1019 is a true copy of the settlement agreement. Mot. 2, Conf. Req. 1. The parties request that Exhibit 1019 be treated as business confidential information and be kept separate from the underlying files. Conf. Req. 1. “A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.” 37 C.F.R. § 42.74(c).

The parties jointly certify that there is no other agreement or understanding between them, including any collateral agreements, made in connection with, or in contemplation of termination of the instant proceeding as set forth in 35 U.S.C. § 317(b). Mot. 2. The parties represent that the settlement agreement settles all litigation with respect to U.S. Patent No. 8,942,107 (“107 patent”). *Id.* at 2.

Petitioner filed a motion for joinder (“Joinder Motion,” Paper 3) with IPR2016-01391, where the petitioner is Juniper Networks, Inc. Mot. 1. We have not entered a decision on institution in this proceeding. *Id.* Under these circumstances, we determine that it is appropriate to dismiss the

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<sup>1</sup> Prior authorization is required for the filing of a motion to terminate. 37 C.F.R. § 42.20(b). Prior authorization was not obtained. However, the Motion is in order and we determine it is appropriate to proceed on the Motion as filed.

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Petition. *See* 37 C.F.R. §§ 42.5(a), 42.72. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate (Paper 8) is granted;

FURTHER ORDERED that that the settlement agreement (Exhibit 1019) be treated as business confidential information, be designated “Parties and Board Only,” and be kept separate from the files of the involved U.S. Patent No. 8,942,107;

FURTHER ORDERED that the Petition is hereby dismissed; and

FURTHER ORDERED that Petitioner’s Joinder Motion is dismissed as moot.

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