

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

FATPIPE NETWORKS PRIVATE LTD.,
Patent Owner.

Case IPR2017-01845
Patent 6,775,235 B2

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

HORVATH, *Administrative Patent Judge*.

ORDER

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

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

On June 13, 2018, Patent Owner and Petitioner (collectively “Parties”) filed a joint motion to terminate the above-identified *inter partes* review proceeding. Paper 23 (“Motion”). The Parties also filed a copy of their settlement agreement covering, *inter alia*, settlement of this *inter partes* review proceeding. Ex. 1024 (“Settlement Agreement”). The Parties represent in their joint motion that the filed copy of the Settlement Agreement is a true and correct copy, and that “[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding.” Motion 1.¹ The Parties additionally filed a request to treat the Settlement Agreement as business confidential information. Paper 24 (“Request”). For the reasons discussed below, we *grant* the Parties’ Motion and Request.

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The Office has not yet decided the merits of this proceeding, and a final written decision has not been entered. Accordingly, we determine good cause exists to terminate this proceeding.

Under 37 C.F.R. § 42.74(c), “[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.” After reviewing the Settlement Agreement between the Parties, we find the

¹ The Parties did not number the pages in their Motion. For purposes of this Order, we have assigned page number 1 to the first page following the caption page.

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Settlement Agreement contains confidential business information regarding the terms of settlement. We, therefore, determine that it is appropriate to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 37 C.F.R. § 42.74(c).

ORDER

It is hereby:

ORDERED that the Joint Motion to Terminate (Paper 23), as to both Petitioner and Patent Owner, is *granted*;

FURTHER ORDERED that the Joint Request (Paper 24) to treat the Settlement Agreement (Exhibit 1024) as business confidential information under 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that this proceeding is terminated with respect to both Petitioner and Patent Owner.

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