

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PALO ALTO NETWORKS, INC., DELL TECHNOLOGIES INC.,  
VMWARE, INC., JUNIPER NETWORKS, INC., HEWLETT PACKARD  
ENTERPRISE COMPANY and ARUBA NETWORKS, INC.,  
Petitioner,

v.

SABLE NETWORKS, INC.,  
Patent Owner.

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IPR2020-01712  
Patent 8,243,593 B2

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Before GARTH D. BAER, SCOTT B. HOWARD, and  
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION

*Granting* Joint Motion to Terminate Proceeding Due to  
Settlement before Institution and  
*Granting* Joint Request to Treat Settlement Agreement as  
Business Confidential Information  
*37 C.F.R. § 42.74*

## I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. On February 4, 2021, the Parties filed a Joint Motion to Terminate the above-identified proceeding (“Joint Motion”). Paper 11. The Parties previously sought authorization to file the joint motion and received that authorization on February 1, 2021. Joint Motion 2. The Parties filed a Settlement Agreement (Exhibit 2001, “Settlement Agreement”) and a Joint Request of Palo Alto Networks, Inc., Juniper Networks, Inc., VMware, Inc., Hewlett Packard Enterprise Company, Aruba Networks, Inc. and Sable Networks, Inc. to Treat Settlement Information as Business Confidential Information and Keep Separate (“Joint Request”). Paper 12.

## II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, that the filed copy of the Settlement Agreement is a true and correct copy, and there are no other collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding. Joint Motion 1–5. The Parties also represent that their disputes have been resolved. *Id.* at 2.

We have not yet instituted a trial on the above-identified proceeding. Nor have we decided the merits of the proceeding, and a final written decision has not been entered in the proceeding. The Parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the

proceeding with respect to the Parties.

Petitioners Palo Alto Networks, Inc., Juniper Networks, Inc., VMware, Inc., and Hewlett Packard Enterprise Company and Patent Owner also requested that the Settlement Agreement be treated as business confidential information and be kept separate from the file of Patent 8,243,593. Joint Request 1. Although Petitioner Dell Technologies does not join the request, Petitioners Palo Alto Networks, Inc., Juniper Networks, Inc., VMware, Inc., and Hewlett Packard Enterprise Company and Patent Owner represent that Dell Technologies does not oppose the request. *Id.* After reviewing the Settlement Agreement, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between the Parties 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 to Terminate is *granted*, and IPR2020-01712 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 8,243,593, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to

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35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

For PETITIONER:

Jonathan Tuminaro  
Michael D. Specht  
Daniel Block  
Todd Thurheimer  
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.,  
jtuminar-PTAB@sternekessler.com  
mspecht-PTAB@sternekessler.com  
dblock-PTAB@sternekessler.com  
tthurheimer-PTAB@sternekessler.com

Christopher TL Douglas  
Ben Pleune  
ALSTON & BIRD LLP  
christopher.douglas@alston.com  
ben.pleune@alston.com

James L. Day  
Daniel Callaway  
Winston Liaw  
FARELLA BRAUN + MARTEL LLP  
jday@fbm.com  
dcallaway@fbm.com  
wliaw@fbm.com

Tiffany C. Miller  
James M. Heintz  
DLAPIPER LLP (US)  
tiffany.miller@us.dlapiper.com  
jim.heintz@us.dlapiper.com

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For PATENT OWNER:

Kenneth J. Weatherwax  
Patrick Maloney  
Jason C. Linger  
LOWENSTEIN & WEATHERWAX LLP  
weatherwax@lowensteinweatherwax.com  
maloney@lowensteinweatherwax.com  
linger@lowensteinweatherwax.com