

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLOUDFLARE, INC. AND SONICWALL INC.,
Petitioner,

v.

SABLE NETWORKS, INC.,
Patent Owner.

IPR2021-00909 (Patent 8,243,593 B2)
IPR2021-00969 (Patent 6,977,932 B1)
IPR2021-01005 (Patent 7,012,919 B1)¹

Before KRISTEN L. DROESCH, STACEY G. WHITE, GARTH D. BAER,
SCOTT B. HOWARD, and JULIET MITCHELL DIRBA, *Administrative
Patent Judges.*²

DIRBA, *Administrative Patent Judge.*

ORDER

Settlement as to SonicWall Inc.
Granting Request to Keep Agreement Confidential
37 C.F.R. § 42.74

¹ We exercise our discretion to issue a single Order in each of these cases.
The parties may not use this caption without Board authorization.

² This is not an expanded panel of the Board; rather, the five judges are
paneled in various groups of three in the subject cases.

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On October 1, 2021, with our authorization, Petitioner SonicWall Inc. (“SonicWall”) and Patent Owner Sable Networks, Inc. (“Sable Networks”) filed in each of the above listed proceedings a Joint Motion to Terminate as to SonicWall Inc. Paper 13 (“Joint Motion”), 1.³ In each proceeding, SonicWall and Sable Networks also filed a confidential Settlement Agreement (Ex. 2100) and a Joint Request to Treat the Settlement Information as Business Confidential Information (Paper 14 (“Joint Request”)). The other Petitioner in this proceeding, Cloudflare, Inc., did not join the papers, but SonicWall and Sable Networks represent that Cloudflare, Inc. does not oppose the Joint Requests. *Id.* at 1.

In each Joint Motion, SonicWall and Sable Networks represent that they have settled their dispute relating to the challenged patents. Paper 13, 1. They further state that the Settlement Agreement (Ex. 2100) is a true and correct copy of their agreement resolving these disputes (Paper 13, 1, 4), and they “certify that there are no other collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review” (*id.* at 5).

The above-identified proceedings are at an early stage, and we have not yet decided whether to institute a trial in any of these proceedings. In view of the early stage of these proceedings and the settlement between the parties, we determine that good cause exists to terminate these proceedings. Therefore, we grant the Joint Motion filed in each proceeding.

³ For purposes of expediency, we cite to papers and exhibits filed in IPR2021-00909. SonicWall and Sable Networks submitted similar papers and exhibits in IPR2021-00969 (Papers 13, 14; Exhibit 2100) and IPR2021-01005 (Paper 12, 13; Exhibit 2100).

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Moreover, we have reviewed the Settlement Agreement (Ex. 2100), and find it contains confidential business information regarding the terms of the agreement between SonicWall and Sable Networks. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Cloudflare, Inc., the other Petitioner, is not a party to the Settlement Agreement and did not join the Joint Motion. Accordingly, these proceedings between Cloudflare, Inc., and Sable Networks remain pending.

ORDER

Accordingly, it is:

ORDERED that each Joint Motion to Terminate as to SonicWall Inc. (IPR2021-00990, Paper 13; IPR2021-00969, Paper 13; IPR2021-01005, Paper 12) is *granted*;

FURTHER ORDERED that each Joint Request (IPR2021-00990, Paper 14; IPR2021-00969, Paper 14; IPR2021-01005, Paper 13) is *granted*; and

FURTHER ORDERED that the Settlement Agreement (Ex. 2100) shall be kept separate from the files of the involved patents (U.S. Patent No. 8,243,593, U.S. Patent No. 6,977,932, and U.S. Patent No. 7,012,919) and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the caption in each of these proceedings for all further submissions shall be changed to remove SonicWall as a named petitioner.

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PETITIONER:

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

David Dotson
DUANE MORRIS, LLP
dcdotson@duanemorris.com

PATENT OWNER:

Kenneth Weatherwax
Parham Hendifar
Patrick Maloney
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
maloney@lowensteinweatherwax.com