

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HEWLETT PACKARD ENTERPRISE CO.,  
ARUBA NETWORKS, LLC.,  
and APPLE INC.,  
Petitioner,

v.

BILLJCO, LLC,  
Patent Owner.

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IPR2022-00426  
Patent 8,761,804 B2

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Before THU A. DANG, LYNNE H. BROWNE, and GARTH D. BAER,  
*Administrative Patent Judges.*

BAER, *Administrative Patent Judge.*

TERMINATION

Settlement as to Petitioners Hewlett Packard Enterprise Co. and  
Aruba Networks, LLC After Institution of Trial  
*35 U.S.C. § 317; 37 C.F.R. § 42.74*

## I. INTRODUCTION

On September 16, 2022, with our authorization, Petitioners Hewlett Packard Enterprise Co. and Aruba Networks, LLC and Patent Owner BillJCo, LLC (“Patent Owner”) (collectively, “the Parties”) filed a Joint Motion to Terminate *Inter Partes* Review as to Petitioners Hewlett Packard Enterprise Co. and Aruba Networks, LLC and Treat the Settlement Agreement as Confidential. Paper 24 (“Joint Motion”). In support of the Joint Motion, the Parties filed a copy of a “CONFIDENTIAL SETTLEMENT AND LICENSE AGREEMENT.” Ex. 1029 (“Settlement Agreement”).

## II. DISCUSSION

In the Joint Motion, the Parties represent that the Settlement Agreement resolves their disputes involving the patent at issue in this proceeding. Joint Motion 4. The Parties also represent that they have filed a true and accurate copy of the Settlement Agreement made in connection with, or in contemplation of, the termination of this proceeding. *Id.* at 5. The Settlement Agreement states that it “contains the entire and only understanding between the Parties and their Affiliates with respect to the subject matter hereof and supersedes any prior or collateral agreements, negotiations and communications in connection with the subject matter covered herein.” Settlement Agreement 11.

We instituted trial for this proceeding (*see* Paper 16), but we have not yet decided the merits of this proceeding, and a final written decision has not been entered. Notwithstanding that this proceeding has moved beyond the preliminary stage, the Parties have shown adequately that the termination of this proceeding is appropriate. Under these circumstances, we determine

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that good cause exists to terminate this proceeding with respect to Petitioners Hewlett Packard Enterprise Co. and Aruba Networks, LLC.

The Parties also request that the Settlement Agreement be treated as business confidential information and kept separate from the file of the patent involved in this proceeding. Joint Motion 5. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, good cause exists to treat the Settlement Agreement as business confidential information pursuant to 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, it is:

ORDERED that the Joint Motion to Terminate *Inter Partes* Review as to Petitioners Hewlett Packard Enterprise Co. and Aruba Networks, LLC and Treat Settlement Agreement as Confidential (Paper 24) is *granted*;

FURTHER ORDERED that IPR2022-00426 is *terminated* with respect to Petitioners Hewlett Packard Enterprise Co. and Aruba Networks, LLC; and

FURTHER ORDERED that the Settlement Agreement (Ex. 1029) shall remain designated as “Parties and Board Only” in Board’s filing system, shall made available only to Federal Government agencies on written request, or to any person on a showing of good cause, and shall be kept separate from the files of the involved patents and associated preliminary proceedings, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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For PETITIONER:

Elana B. Araj  
Andrew R. Sommer  
Rose Cordero Prey  
GREENBERG TRAURIG, LLP  
araje@gtlaw.com  
sommera@gtlaw.com  
preyr@gtlaw.com

Jeffrey D. Blake  
Daniel W. McDonald  
MERCHANT & GOULD P.C.  
jblake@merchantgould.com  
dmcdonald@merchantgould.com

Larissa S. Bifano  
Jonathan Hicks  
Zachary Conrad  
DLA PIPER, LLP  
larissa.bifano@dlapiper.com  
jonathan.hicks@dlapiper.com  
zack.conrad@dlapiper.com

For PATENT OWNER:

Brian Michalek  
Joseph Kuo  
Brian Landry  
SAUL EWING ARNSTEIN & LEHR LLP  
brian.michalek@saul.com  
joseph.kuo@saul.com  
brian.landry@saul.com