

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIVERBED TECHNOLOGY, INC.,
Petitioner,

v.

SILVER PEAK SYSTEMS, INC.,
Patent Owner.

Case IPR2014-00245
Patent 8,392,684 B2

Before DENISE M. POTHIER, JUSTIN T. ARBES, and HYUN J. JUNG,
Administrative Patent Judges.

JUNG, *Administrative Patent Judge.*

DECISION

Granting Joint Motion to Terminate
35 U.S.C. § 317 and 37 C.F.R. § 42.74

On June 9, 2015, we issued a Final Written Decision (Paper 42) granting Patent Owner's Motion to Amend (Paper 16) to the extent that it requested cancellation of claims 1–24 of U.S. Patent No. 8,392,684 B2 (Ex. 1001) but denying the motion as to its proposed substitute claims 25–48. On August 10, 2015, Silver Peak Systems, Inc. filed a Notice of Appeal (Paper 43). On October 24, 2017, the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") issued its decision in *Silver Peak Systems, Inc. v. Matal*, 698 F. App'x 1036 (Fed. Cir. 2017), vacating the Final Written Decision and remanding the case for further proceedings consistent with *Aqua Products, Inc. v. Matal*, 872 F.3d 1290 (Fed. Cir. 2017). On December 15, 2017, the Federal Circuit issued its mandate returning jurisdiction over this case to the Board. Ex. 3005.

Pursuant to our Order (Paper 44), Riverbed Technology, Inc. and Silver Peak Systems, Inc. filed a Joint Motion to Terminate (Paper 45), a Joint Request to File the Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (Paper 46), and a settlement agreement (Ex. 2020).

In the Joint Motion to Terminate, the parties represent that they "have resolved all underlying disputes involving U.S. Patent No. 8,392,684," "[t]here are no other collateral agreements or understandings referred to in the Parties' settlement agreement or otherwise contemplated by the Parties," and the "instant proceeding is the only remaining open dispute between the Parties." Paper 45, 2, 4. Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering any further decision. See 37 C.F.R. § 42.72. Also, as requested by the parties, the settlement agreement will be treated as business confidential information

and be kept separate from the patent file in accordance with 37 C.F.R. § 42.74(c).

ORDER

In view of the foregoing, it is:

ORDERED that the parties' Joint Request to File the Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) is *granted*, and Exhibit 2020 will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and be kept separate from the file of U.S. Patent No. 8,392,684 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause; and

FURTHER ORDERED that the parties' Joint Motion to Terminate is *granted*, and this proceeding is hereby terminated.

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Patent 8,392,684 B2

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