

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

RPX CLEARINGHOUSE LLC,
Patent Owner.

Case IPR2014-00911
Patent 8,134,917 B2

Before MICHAEL R. ZECHER, TREVOR M. JEFFERSON, and
PETER P. CHEN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. § 42.72

I. DISCUSSION

On February 18, 2015, the parties filed a Joint Motion to terminate this proceeding (Paper 18), as well as a Joint Request (Paper 17) to have their written settlement agreement treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties also filed a true copy of their written settlement agreement. Ex. 1016. The parties indicated in their Joint Motion that termination of this proceeding is appropriate because they have reached an agreement regarding their dispute with respect to U.S. Patent No. 8,134,917 B2 (“the ’917 patent”). See Paper 18, 4–7. The parties indicated that the co-pending district court cases involving the ’917 patent have been dismissed. *Id.* at 7. The parties did not identify any other related district court cases involving the ’917 patent.

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.” As the parties indicate in their Joint Motion, this proceeding is in its early stages. Paper 18, 5. Although we instituted an *inter partes* review of claims 1–18 of the ’917 patent on December 15, 2014 (Paper 8), and have held an initial conference call, the proceeding is in its early stages and Patent Owner, RPX Clearinghouse, Inc., has not taken discovery or filed a Patent Owner Response.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.” As

the parties have filed their written settlement agreement, and the co-pending district court cases have been dismissed, we determine that it is appropriate to terminate this proceeding without rendering a Final Written Decision as to the patentability of claims 1–18 of the '917 patent. *See* 37 C.F.R. §§ 42.72, 42.73, 42.74.

II. ORDER

Accordingly, it is:

ORDERED that the parties' Joint Request that the settlement agreement (Ex. 1016) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

ORDERED that the parties' Joint Motion to terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

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