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Paper 15
Entered: March 25, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIVERBED TECHNOLOGY, INC.
Petitioner,

v.

PARALLEL NETWORKS, LLC,
Patent Owner.

Case IPR2014-01399
Patent 7,571,217 B1

Before TREVOR M. JEFFERSON, PATRICK R. SCANLON, and HYUN J. JUNG, *Administrative Patent Judges.*

SCANLON, *Administrative Patent Judge.*

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.72

On March 3, 2015, Petitioner, Riverbed Technology, Inc.,[1] and Patent Owner, Parallel Networks, LLC, filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72 (Paper 13) and a Joint Request to Keep Paper Separate as Business Confidential Information (Paper 14). The Board authorized the filing of these papers via email. The Joint Motion to Terminate is accompanied by a copy of a settlement agreement styled "Settlement and License Agreement" and filed as Exhibit 1014.[2] The parties represent that Exhibit 1014 is a true copy of their agreement. Paper 13, 2.

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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." The parties indicate that they have settled their dispute involving U.S. Patent No. 7,571,217 ("the '217 patent") and have agreed to terminate this *inter partes* review. Paper 13, 2.

The instant proceeding is still in its early stages. Although we instituted an *inter partes* review of claims 1–20 of the '217 patent on February 27, 2015 (Paper 11), we have not held an initial conference call and Patent Owner has not filed a Patent Owner Response. We have reviewed Exhibit 1014 and

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[1] Riverbed Technology, Inc. is the sole remaining Petitioner in this proceeding. The involvement of SAP America, Inc., an original Petitioner, was terminated previously. Paper 10.

[2] This settlement agreement was entered into the Patent Review Processing System ("PRPS") as Exhibit 1013 despite a prior exhibit already entered as Exhibit 1013. The Joint Motion to Terminate refers to this document as both Exhibit 1014 (Paper 13, 2) and Exhibit 1013 (*id.* at 7), and the document is also identified as Exhibit 1013 in Paper 14. For purposes of clarity, we refer to this document as Exhibit 1014.

determine that, under the present circumstances, it is appropriate to enter judgment and terminate the proceeding without rendering a final written decision under 37 C.F.R. § 42.72.

In consideration of the foregoing, it is hereby:

ORDERED that the joint motion to terminate this proceeding is *granted*;

FURTHER ORDERED that this proceeding is terminated;

FURTHER ORDERED that the joint request that the Settlement and License Agreement (Ex. 1014) be treated as business confidential information and be kept separate from the file of the involved patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the settlement agreement styled "Settlement and License Agreement" and filed March 3, 2015 as Exhibit 1013 be renumbered as Exhibit 1014.

PETITIONER:

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PATENT OWNER:

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