

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVOCENT HUNTSVILLE CORPORATION and
LIEBERT CORPORATION,
Petitioner,

v.

CYBER SWITCHING PATENTS, LLC,
Patent Owner.

Case IPR2015-01438
Patent 7,672,104 B2

Before MICHAEL R. ZECHER, GLENN J. PERRY, and NEIL T. POWELL,
Administrative Patent Judges.

ZECHER, *Administrative Patent Judge.*

DECISION
Termination of the Proceeding
37 C.F.R. §§ 42.72 and 42.74

I. DISCUSSION

On November 24, 2015, the parties filed a Joint Motion to Terminate this proceeding (Paper 7), a true copy of the parties' settlement agreement (Ex. 9999), and a request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8).

This proceeding is still in its preliminary stages. Petitioner, Avocent Huntsville Corporation and Liebert Corporation ("Avocent"), filed a Petition requesting an *inter partes* review of claims 1–3 and 8–12 of U.S. Patent No. 7,672,104 B2 ("the '104 patent," Ex. 1001). Paper 1. Although Patent Owner, Cyber Switching Patents, LLC ("Cyber"), timely filed a Preliminary Response (Paper 6), we have not entered a decision whether or not to institute an *inter partes* review.

In the Joint Motion to Terminate this proceeding, the parties represent that they have settled their disputes regarding the '104 patent. Paper 7, 2. The parties further represent that there are numerous related matters in the United States District Court for the Northern District of California that have been dismissed with prejudice or stayed pending final determination of two related *inter partes* reviews involving U.S. Patent No. 7,550,870 B2 ("the '870 patent"). *Id.* at 3. Based on the joint requests filed by the parties in the two proceedings involving the '870 patent, those cases have been terminated. *Avocent Huntsville Corp. v. Cyber Switching Patents, LLC*, Cases IPR2015-00690 & IPR2015-00725 (PTAB Dec. 7, 2015) (Paper 33 in each proceeding). Lastly, the parties do not represent that the '104 patent is involved in any other proceedings before the Office. *See generally id.* at 2–4. Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 9999) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

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