

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

VIR2US, INC.,
Patent Owner.

Case IPR2017-01755 (Patent 7,392,541 B2)
Case IPR2017-01759 (Patent 7,536,598 B2)¹

Before MICHAEL R. ZECHER, DANIEL J. GALLIGAN, and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION

Granting the Parties' Joint Motions to Terminate
37 C.F.R. §§ 42.71(a) and 42.74

¹ This Decision addresses an issue that is identical in both cases. We, therefore, exercise our discretion to issue one Decision to be filed in each case.

I. DISCUSSION

On October 3, 2017, the parties filed the following in each proceeding identified above: (1) a Joint Motion to Terminate (Case IPR2017-01755, Paper 7; Case IPR2017-01759, Paper 6); (2) a true copy of the parties' settlement agreement (Case IPR2017-01755, Ex. 2001; Case IPR2017-01759, Ex. 2001); and (3) a joint 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) (Case IPR2017-01755, Paper 8; Case IPR2017-01759, Paper 7).

These proceedings are still in their preliminary stages. Petitioner, Cisco Systems, Inc. ("Cisco"), filed a Petition requesting an *inter partes* review of claims 1, 3, 6–8, 11–13, 15, and 16 of U.S. Patent No. 7,392,541 B2 ("the '541 patent"). Case IPR2017-01755, Paper 2. In addition to this Petition, Cisco filed another Petition requesting an *inter partes* review of claims 64 and 66 of U.S. Patent No. 7,536,598 B2 ("the '598 patent"). Case IPR2017-01759, Paper 2. In each proceeding, Patent Owner, Vir2us, Inc., has not filed a Preliminary Response, nor have we entered a decision whether or not to institute an *inter partes* review.

In the Joint Motions to Terminate, the parties indicate that they have settled all their disputes regarding the '541 patent and the '598 patent. Case IPR2017-01755, Paper 7, 1–2; Case IPR2017-01759, Paper 6, 1–2. The parties represent that the settlement encompasses the following: (1) these proceedings; and (2) the co-pending district court case where both the '541 patent and the '598 patent have been asserted against Cisco. Case IPR2017-01755, Paper 7, 2; Case IPR2017-01759, Paper 6, 2. Under these particular circumstances, we determine that it is appropriate to dismiss both Petitions without rendering any further decisions, thereby terminating these proceedings. *See* 37 C.F.R. § 42.71(a).

IPR2017-01755 (Patent 7,392,541 B2)

IPR2017-01759 (Patent 7,536,598 B2)

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' requests to treat the settlement agreement (Case IPR2017-01755, Ex. 2001; Case IPR2017-01759, Ex. 2001) as business confidential information under 37 C.F.R. § 42.74(c) are GRANTED; and

FURTHER ORDERED that the parties' Joint Motions to Terminate are GRANTED, and both Petitions are dismissed resulting in termination of these proceedings.

IPR2017-01755 (Patent 7,392,541 B2)

IPR2017-01759 (Patent 7,536,598 B2)

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