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Paper 14
Entered: May 16, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

TRAXCELL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2019-00324 (Patent 9,642,024 B2)
Case IPR2019-00326 (Patent 9,510,320 B2)
Case IPR2019-00327 (Patent 8,977,284 B2)

Before ELENI MANTIS MERCADER, PATRICK M. BOUCHER, and J. JOHN LEE, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 47.74

Pursuant to our authorization, the parties filed a joint Motion to Terminate this proceeding. Paper 22.[1] The parties assert that they "have executed a settlement agreement that resolves all of their disputes concerning the [three patents involved in these proceedings]." *Id.* at 2. The parties have submitted a copy of a written settlement agreement between them as Exhibit 1039 in each of the proceedings, representing that it is "a true and correct copy" and that it "represents all agreements made in connection with, or in contemplation of, the termination of this proceeding." *Id.* at 3. In each proceeding, the parties also "jointly request that Exhibit 1039 is treated as confidential business information, kept separate from the files of the involved patent[s], and made available only to Federal Government agencies on written request, or to any person on a showing of good cause." Paper 23, 2.

"An 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." 35 U.S.C. § 317(a). Each of these proceedings is in an early stage and no decision whether to institute *inter partes* reviews has been made. Under these circumstances, we determine that it is appropriate to terminate these proceedings.

> At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved

[1] Citations are to IPR2019-00324. Similar papers have been filed in each of the proceedings.

> patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 317(b). After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b).

It is

ORDERED that the joint Motions to Terminate are *granted*;

FURTHER ORDERED that these proceedings are hereby terminated as to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Requests to File Settlement Agreement as Confidential Business Information are *granted*; and

FURTHER ORDERED that the filed settlement agreement, i.e., Exhibit 1039 in each of the proceedings, be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and also remain designated as "Parties and Board Only" in the Board's E2E system.

IPR2019-00324 (Patent 9,642,024 B2)
IPR2019-00326 (Patent 9,510,320 B2)
IPR2019-00327 (Patent 8,977,284 B2)

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