

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
Petitioners,

v.

PARITY NETWORKS, LLC,  
Patent Owner.

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IPR2020-00016  
Patent 6,738,378 B2

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Before DEBRA K. STEPHENS, BRYAN F. MOORE, and  
KAMRAN JIVANI, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial  
37 C.F.R. § 42.74

On December 2, 2019 the parties filed a Joint Motion to Terminate (Paper 8, “Joint Motion”), settlement agreement (Exhibits 1011, “Agreement”), and a Joint Request to Keep [the Agreement] Separate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 6, “Joint Request”).

In the Joint Motion, the parties state that they have agreed to terminate this *inter partes* review, pursuant to the Agreement. Joint Motion 1. The parties further state that they have agreed to terminate the related district court case between the parties, *Parity Networks, LLC v. Cisco Systems, Inc.*, 6-19-cv-00209 (W.D. Tex.). Joint Motion 1.

This case is in its preliminary stages and we have not yet decided whether to institute an *inter partes* review. Accordingly, we have not “decided the merits of the proceeding” prior to the parties’ request for termination. 35 U.S.C. § 317(a). The foregoing factors weigh in favor of granting the Joint Motion. We discern no factors weighing against termination of the proceeding. Accordingly, we grant the Joint Motion.

Similarly, we determine that, under the circumstances, it is appropriate to treat the Agreement as business confidential information kept separate from the file of the challenged patent. We, therefore, also grant the Joint Request.

#### ORDER

For the foregoing reasons, it is

ORDERED that the Joint Motion to Terminate is GRANTED, and the proceeding is hereby terminated; and

FURTHER ORDERED that the parties’ Joint Request to Keep Separate is GRANTED, and the Agreement shall be treated as business confidential information and kept separate from the file of the ’378 patent.

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