

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

SABLE NETWORKS, INC.,
Patent Owner.

IPR2021-00051
Patent 7,012,919 B1

Before GARTH D. BAER, SCOTT B. HOWARD, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

DIRBA, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate Proceeding Due to
Settlement before Institution and
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. On February 4, 2021, the Parties filed a Joint Motion of All Parties to Terminate the above-identified proceeding (“Joint Motion”). Paper 7. The Parties previously sought authorization to file the joint motion and received that authorization on February 1, 2021. Joint Motion 2. The Parties filed a settlement agreement (Exhibit 2001, “Settlement Agreement”) and a Joint Request of Palo Alto Networks, Inc. and Sable Networks, Inc. to Treat Settlement Information as Business Confidential Information and Keep Separate (“Joint Request”). Paper 8.

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, that the filed copy of the Settlement Agreement is a true and correct copy, and there are no other collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding. Joint Motion 2–5. The Parties also represent that their disputes have been resolved. *Id.* at 2.

We have not yet instituted a trial on the above-identified proceeding. Nor have we decided the merits of the proceeding, and a final written decision has not been entered in the proceeding. The Parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties also requested that the Settlement Agreement be treated as

business confidential information and be kept separate from the file of Patent 7,012,919. Joint Request 1. After reviewing the 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 between the Parties as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and IPR2020-00051 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to File Settlement Agreement as Business Confidential Information is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 7,012,919, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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