

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC., DELL TECHNOLOGIES INC.,
JUNIPER NETWORKS, INC., HEWLETT PACKARD ENTERPRISE
COMPANY and ARUBA NETWORKS, INC.,
Petitioner,

v.

SABLE NETWORKS, INC.,
Patent Owner.

IPR2021-00063
IPR2021-00203
Patent 6,977,932 B1¹

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

DIRBA, *Administrative Patent Judge*.

DECISION

Granting Joint Motions to Terminate Proceeding Due to
Settlement before Institution and
Granting Joint Requests to Treat Settlement Agreements as
Business Confidential Information
37 C.F.R. § 42.74

¹ This Order applies to both proceedings. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceedings be terminated pursuant to a settlement. On February 4, 2021, the Parties filed a Joint Motion of All Parties to Terminate in each of the above-identified proceedings (“Joint Motion”). Paper 11.² The Parties previously sought authorization to file the joint motions and received that authorization on February 1, 2021. Joint Motion 2. The Parties also filed a settlement agreement (Ex. 2001, “Settlement Agreement”) and a Joint Request of Palo Alto Networks, Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, Aruba Networks, Inc., and Sable Networks, Inc. to Treat Settlement Information as Business Confidential Information and Keep Separate (Paper 12, “Joint Request”) in each of the above-identified proceedings.

II. DISCUSSION

In the Joint Motions, the Parties represent that they have reached an agreement to jointly seek termination of these *inter partes* review proceedings, that the filed copies of the Settlement Agreements are true and correct copies, and there are no other collateral agreements or understandings made in connection with, or in contemplation of, the termination of these proceedings. Joint Motion 1–5. Parties also represent that their disputes have been resolved. *Id.* at 2.

We have not yet instituted a trial on the above-identified proceedings.

² For expediency, we cite to the Papers and Exhibits filed in IPR2021-00063, unless otherwise indicated. Similar Papers and Exhibits were filed in IPR2021-00203.

Nor have we decided the merits of the proceedings, and final written decisions have not been entered in the proceedings. The Parties have shown adequately that termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

Petitioners Palo Alto Networks, Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc. and Patent Owner also requested that the Settlement Agreements be treated as business confidential information and be kept separate from the files of the patents involved in these proceedings. Joint Request 1. Although Petitioner Dell Technologies, Inc. does not join the request, Petitioners Palo Alto Networks, Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc., and Patent Owner represent that Dell Technologies, Inc. does not oppose the request. *Id.* After reviewing the Settlement Agreements, we find that the Settlement Agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreements 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).

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III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions to Terminate are *granted*, and each of IPR2021-00063 and IPR2021-00203 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Requests are *granted*, and the Settlement Agreements shall be kept separate from the file of Patent 6,977,932 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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