

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

802 SYSTEMS INC.,
Patent Owner.

IPR2021-00618
Patent 8,458,784 B2

Before JOSIAH C. COCKS, LYNNE E. PETTIGREW, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

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

On September 29, 2021, the parties filed a “Joint Motion to Dismiss *Inter Partes* Review Petition” (Paper 8), and a “Joint Request to Keep Agreement Confidential and Separate” (Paper 9).¹ The parties also filed a copy of the written settlement agreement. Ex. 1027.

We have not instituted trial in this proceeding. Thus, this proceeding is in its initial stages. The parties indicate that they have settled their dispute with respect to the challenged patent. Paper 8, 1. Under these circumstances, we determine that it is appropriate to dismiss the Petition. See 37 C.F.R. §§ 42.5(a), 42.71(a).

It is

ORDERED that the parties’ “Joint Motion to Dismiss *Inter Partes* Review Petition” (Paper 8) is *granted*;

FURTHER ORDERED that the Petition for *Inter Partes* Review of the above-referenced patent is *dismissed*; and

FURTHER ORDERED that, as was requested timely by the parties (Paper 9), the settlement agreement (Ex. 1027) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and be kept separate from the file of the involved patent.

¹ The filings were authorized in e-mail correspondence from Board personnel on September 28, 2021.

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