

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

F5 NETWORKS, INC.,
Petitioner,

v.

PROVEN NETWORKS, LLC,
Patent Owner.

IPR2021-01164
Patent 7,450,507 B2

Before TREVOR M. JEFFERSON, JOHN A. HUDALLA, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
Granting Request to Keep Settlement Agreement Confidential
37 C.F.R. § 42.74

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a joint motion to dismiss the Petition in the above-identified proceeding. Paper 9 ("Joint Motion"). The Parties also filed a copy of a Settlement Agreement (Ex. 1012, "Settlement Agreement"), as well as a joint request (Paper 10, "Joint Request") to treat the Settlement Agreement as business confidential information and to keep the Settlement Agreement separate from the files of the challenged patent, U.S. Patent No. 7,450,507 B2 ("the '507 patent").

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement that settles all disputes involving the '507 patent. Joint Motion 1. The Parties also represent that they have filed a true copy of the Settlement Agreement (Ex. 1012), and certify that "there are no other collateral agreements or understandings, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding." Joint Motion 1–2.

This proceeding is at an early stage. We have not considered the merits of the Petition, and we have not yet instituted trial in this proceeding. In view of the early stage of this proceeding and the Parties' settlement, we determine that good cause exists to dismiss the Petition and terminate the proceeding with respect to the Parties. *See* Joint Motion 3–4.

The Parties also request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the challenged patent. 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 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

For the reasons discussed above, it is

ORDERED that the Joint Motion in IPR2021-01164 (Paper 9) is *granted*, the Petition in IPR2021-01164 is *dismissed*, and the proceeding in IPR2021-01164 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request in IPR2021-01164 (Paper 10) is *granted*, and the Settlement Agreement (Ex. 1012) shall be kept separate from the files of U.S. Patent No. 7,450,507 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

IPR2021-01164
Patent 7,450,507 B2

PETITIONER:

Brent Ray
David Shane Brun
KING & SPALDING LLP
bray@kslaw.com
sbrun@kslaw.com

PATENT OWNER:

Reza Mirzaie
C. Jay Chung
Russ August & Kabat
rmirzaie@raklaw.com
jchung@raklaw.com