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Paper 29
Entered: July 8, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
PALO ALTO NETWORKS, INC., and
FORTINET, INC.,
Petitioner,

v.

LIONRA TECHNOLOGIES LTD.,
Patent Owner.

IPR2023-00673 (Patent 7,685,436 B2)
IPR2023-00703 (Patent 8,566,612 B2)[1]

Before WILLIAM V. SAINDON, PATRICK R. SCANLON, and STEVEN M. AMUNDSON, *Administrative Patent Judges.*

SAINDON, *Administrative Patent Judge*.

ORDER
Termination as to Cisco Systems, Inc. Due to Settlement
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] The Board joined Palo Alto Networks, Inc. and Fortinet, Inc. as parties (Petitioner) to these proceedings via a Motion for Joinder in IPR2024-00099 and IPR2024-00158.

Petitioner Cisco Systems, Inc. ("Cisco") and Patent Owner (Lionra Technologies, Ltd.) have indicated that they have reached an agreement to settle each of the above-identified *inter partes* review proceedings. The Board authorized Cisco and Patent Owner to file joint motions to terminate Cisco from the proceedings on June 26, 2024.

On July 1, 2024, pursuant to 37 C.F.R. § 42.74 and 35 U.S.C. § 317(a), Cisco and Patent Owner filed joint motions to terminate Cisco from each of the above-identified proceedings (collectively "Joint Motions") (Paper 27[2]) and joint requests (collectively "Joint Requests") (Paper 28[3]) to treat a confidential Settlement Agreement ("Agreement") as business confidential information and to keep the Agreement separate from the files of the involved patents, along with copies of the confidential Agreement (Ex. 1018[4]). Cisco and Patent Owner describe the filed copies of the confidential Agreement as comprising "a true copy of the [Cisco's and Patent Owner's] settlement agreement." Joint Motions at 5. Cisco and Patent Owner represent that they have reached a "settlement of all disputes between [Cisco and Patent Owner] relating to the '436 Patent and the '612 Patent" and "[p]ursuant to that settlement, [Cisco and Patent Owner] have also entered into a mutual release." *Id.* at 3; Joint Requests at 1. Cisco and Patent Owner further represent that the Agreement "constitutes [Cisco's and Patent Owner's] entire understanding and agreement." Joint Motions at 5.

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[2] For purposes of expediency, we cite to Papers filed in IPR2023-00673. Cisco and Patent Owner submitted a similar Joint Motion in IPR2023-00703 (Paper 26).

[3] Cisco and Patent Owner submitted a similar Joint Request regarding the Agreement in IPR2023-00703 (Paper 27).

[4] Cisco and Patent Owner also submitted a copy of the confidential Agreement in IPR2023-00703 (Ex. 1018).

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." The above-identified proceedings are at an intermediate stage. We have not yet decided the merits of these proceedings, and final written decisions have not been entered in these proceedings. Furthermore, there are strong public policy reasons to favor settlement between the parties to a proceeding. *Patent Trial and Appeal Board Consolidated Trial Practice Guide*, 84 Fed. Reg. 64,280 (Nov. 21, 2019). Under these circumstances, and in view of Cisco's and Patent Owner's settlement and representations, we determine that good cause exists to terminate Petitioner Cisco Systems, Inc. from these proceedings. Accordingly, we *grant* the Joint Motions. Palo Alto Networks, Inc. and Fortinet, Inc. will remain as Petitioner in these proceedings.

Cisco and Patent Owner also request "the Board treat [the Agreement] as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)." Joint Requests at 3. Cisco and Patent Owner further request that the Agreement "be kept separate from the file of the involved patents." *Id.* at 2. After reviewing the Agreement between Patent Owner and Cisco Systems, Inc., we find that the Agreement contains confidential business information regarding the terms of settlement. We determine that it is appropriate to treat the Agreement as business confidential information and keep it separate from the file of U.S. Patent Nos. 7,685,436 and 8,566,612. *See* 37 C.F.R. § 42.74(c). Accordingly, we *grant* the Joint Requests.

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

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motions (IPR2023-00673, Paper 27; IPR2023-00703, Paper 26) to terminate Petitioner Cisco Systems, Inc. from the above-identified proceedings are *granted*;

FURTHER ORDERED that Palo Alto Networks, Inc. and Fortinet, Inc. will remain as Petitioner in these proceeding, and the cases will continue to proceed;

FURTHER ORDERED that the Joint Requests (IPR2023-00673, Paper 28; IPR2023-00703, Paper 27) are *granted*, and the Agreements (IPR2023-00673, Ex. 1018; IPR2023-00703, Ex. 1018) shall be treated as business confidential information, shall be kept separate from the files of the involved patents (U.S. Patent 7,685,436 and U.S. Patent 8,566,612), and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the case caption in IPR2023-00673 and IPR2023-00703 shall be changed to reflect the termination of Cisco Systems, Inc. as a petitioner in accordance with the attached examples.

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Example Case Caption for Proceeding

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PALO ALTO NETWORKS, INC. and
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LIONRA TECHNOLOGIES LTD.,
Patent Owner.

IPR2023-00673[5]
Patent 7,685,436 B2

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[5] The Board joined Palo Alto Networks, Inc. and Fortinet, Inc. as parties (Petitioner) to this proceeding via a Motion for Joinder in IPR2024-00099.

Example Case Caption for Proceeding

UNITED STATES PATENT AND TRADEMARK OFFICE

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LIONRA TECHNOLOGIES LTD.,
Patent Owner.

IPR2023-00703[6]
Patent 8,566,612 B2

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[6] The Board joined Palo Alto Networks, Inc. and Fortinet, Inc. as parties (Petitioner) to this proceeding via a Motion for Joinder in IPR2024-00158.