

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
v.
LIONRA TECHNOLOGIES LIMITED,
Patent Owner.

IPR2023-01047
Patent 7,921,323 B2

Before PATRICK R. SCANLON, NATHAN A. ENGELS, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. §42.74

I. INTRODUCTION

Petitioner Cisco Systems Inc. filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 27, 28, 31, and 33 of U.S. Patent No. 7,921,323 B2 (Ex. 1001, “the ’323 patent”). Patent Owner Lionra Technologies Ltd. filed a Preliminary Response. Paper 10 (“Prelim. Resp.”).

The Board issued a Decision granting institution of *inter partes* review. Paper 11. Patent Owner filed a Response. Paper 15 (“Resp.”). With authorization from the Board, Petitioner and Patent Owner filed a Joint Motion to Terminate this proceeding under 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.71(a). Paper 16 (“Motion” or “Mot.”). The parties also filed a Settlement Agreement (Ex. 1034) and a Joint Request to Treat Settlement Agreement as Business Confidential Information and Be Kept Separate under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 17.

II. DISCUSSION

The Joint Motion to Terminate states the parties’ Settlement Agreement resolves the dispute between Petitioner and Patent Owner concerning the ’323 patent, including *Lionra Techs. Ltd. v. Cisco Systems, Inc.*, No. 2:22-cv-00305 (E.D. Tex.). Mot 1; Pet. 85. The Motion also states that the parties filed a “a true and accurate copy of the agreement between the parties that resolves the present proceeding,” and the parties 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 the present proceeding.” Mot. 1.

This proceeding is in the early stages, and the Board has not yet reached a final determination or issued a final written decision. Terminating this proceeding will conserve the Board’s and the parties’ resources.

Further, public policy favors settlement, and the Board generally expects that a proceeding will terminate after the filing of a settlement agreement unless the Board has already decided the merits of the proceeding. *See* PTAB Consolidated Trial Practice Guide, 86 (Nov. 2019).¹

Under these circumstances, we determine that it is appropriate to terminate this proceeding. We also determine that the parties' Settlement Agreement contains confidential business information relating to the parties' agreement to settle their dispute relating to the '323 patent and that the Settlement Agreement should be kept separate from the '323 patent's file and treated as business confidential information under 37 C.F.R. § 42.74(c).

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

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate (Paper 16) is *granted*;

FURTHER ORDERED that the Joint Request to Treat Settlement Agreement as Business Confidential Information and Be Kept Separate under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 17) is *granted* and the Settlement Agreement (Ex. 1034) shall be treated as business confidential information and be kept separate from the files of the '323 patent and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74; and

FURTHER ORDERED that this proceeding is *terminated*.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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