

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SOPHOS LTD. AND SOPHOS INC.,  
Petitioner,

v.

OPEN TEXT INC.,  
Patent Owner.

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IPR2024-00252 (Patent No. 8,201,243 B2)  
IPR2024-00253 (Patent No. 8,719,932 B2)<sup>1</sup>

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Before BARBARA A. PARVIS, GARTH D. BAER, and  
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

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

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<sup>1</sup>The Board is entering the same Order in all captioned cases. The parties are not authorized to use this combined case caption.

## I. INTRODUCTION

With the Board’s authorization, Petitioner Sophos Ltd. and Sophos Inc. and Patent Owner Open Text Inc. (collectively, “the parties”) filed Joint Motions to Terminate in the above-identified proceedings. IPR2024-00252, Paper 7; IPR2024-00253, Paper 7 (collectively “Joint Motion”). In support of the Motions, the parties filed a copy of a Settlement Agreement and Cross-License Agreement (the “Agreements”) (IPR2024-00252, Exs. 1018, 1019; IPR2024-00253, Exs. 1020, 1021) and Joint Request to Treat Agreements as Business Confidential Information pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74. IPR2024-00252, Paper 8; IPR2024-00253, Paper 8 (collectively “Joint Request”).

## II. DISCUSSION

In the Joint Motions, the parties requested the Board terminate the above-identified *inter partes* review proceedings as a result of a settlement agreement reached between Petitioner and Patent Owner. Joint Motion, 1.<sup>2</sup> The parties represent that the filed copies of the Agreements are true copies. *Id.* at 2. The parties also represent that “[n]o other such agreements, written or oral, exist between or among the parties.” *Id.* at 3. The Agreements indicates that the parties have resolved their disputes and the litigation between them involving the above-identified patents at issue. IPR2024-00252, Exs. 1018, 1019; IPR2024-00253, Exs. 1020, 1021.

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<sup>2</sup> For convenience, we cite solely to the papers in IPR2024-00252, but similar citations apply to each of the above-identified cases.

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These proceedings are in their preliminary phase and a decision on institution of *inter partes* review has not yet been entered in either proceeding. And, we determine that good cause for dismissal and termination exists for the reasons stated by the parties in the Motion and because dismissal and termination under the present circumstances will facilitate the just, speedy, and inexpensive resolution of these proceedings. See 37 C.F.R. § 42.1(b).

Moreover, in the Joint Request, the parties request that the Agreements be treated as business confidential information and be kept separate from the files of the above-identified patents at issue. *See, e.g.*, IPR2024-00252, Paper 8, 2. After reviewing the Agreements between the parties, we find that the Agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Agreements between the parties as business confidential information pursuant to 37 C.F.R. § 42.74(c).

### III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions to Terminate are *granted*;

FURTHER ORDERED that IPR2024-00252 and IPR2024-00253 are *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Requests to Treat Agreements as Business Confidential Information are *granted*, and the confidential Agreements (IPR2024-00252, Exs. 1018, 1019; IPR2024-00253, Exs. 1020, 1021) shall be treated as business confidential information pursuant to 37

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C.F.R. § 42.74(c) and be kept separate from the files of the challenged patents and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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