

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEWLETT PACKARD ENTERPRISE COMPANY
and CISCO SYSTEMS, INC.,
Petitioner,

v.

COBBLESTONE WIRELESS LLC,
Patent Owner.

IPR2024-00707
Patent 7,924,802 B2

Before KARL D. EASTHOM, NORMAN H. BEAMER, and
RUSSELL E. CASS, *Administrative Patent Judges*.

CASS, *Administrative Patent Judge*.

TERMINATION
Granting Joint Motion to Terminate
After Institution of Trial and
Granting Joint Request to Treat Settlement Agreement
as Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

With Board authorization, Hewlett Packard Enterprise Company and Cisco Systems, Inc. (“Petitioner”) and Cobblestone Wireless LLC (“Patent Owner”) filed a Joint Motion to Terminate the above-identified proceeding (“Joint Motion”). Paper 31. The parties also filed settlement agreements (Exhibits 1016, 1017) and a Joint Request that we treat the settlement agreements as business confidential information and maintain them separate from the publicly available file of U.S. Patent No. 7,924,802 (“the ’802 patent”) (Paper 32, “Joint Request”).

II. DISCUSSION

In the Joint Motion, Petitioner and Patent Owner represent that they have reached a settlement as to all disputes in this proceeding and seek termination of the above-identified proceeding. Joint Motion 1. The parties also represent that the filed copies of the settlement agreements are each a “true copy” of the agreement between the parties related to this proceeding, and that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.” *Id.* at 2.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. We instituted trial in the above-identified proceeding on September 24, 2024. Paper 17. We have not yet decided the merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the proceeding has moved beyond the preliminary stage, Petitioner and Patent Owner have shown adequately that

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termination of the proceeding is appropriate. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.5(a), 42.72.

The parties also request that the settlement agreements be treated as business confidential information and be kept separate from the publicly available file of U.S. Patent No. 7,924,802. Joint Request 1–2. After reviewing the settlement agreements filed as Exhibits 1016 and 1017, we find that they contain confidential business information. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 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

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion is *granted*, and IPR2024-00707 is *terminated*, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request is *granted*, and the settlement agreements filed as Exhibits 1016 and 1017 shall be kept separate from the publicly available file of U.S. Patent No. 7,924,802 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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