

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2024-01239
Patent 10,652,111 B2

Before KRISTEN L. DROESCH, CHRISTOPHER L. OGDEN, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

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

Petitioner and Patent Owner jointly request that this proceeding be terminated pursuant to the parties' agreement. Paper 26 ("Motion" or "Mot."). The parties further request that the settlement agreement be treated as business confidential information. Paper 27 ("Request"). In support of the Motion and Request, the parties filed a copy of a confidential settlement agreement ("Agreement") (Ex. 1030).

In the Motion, the parties represent that they "have reached an agreement that resolves all disputes between the Parties involving the '111 Patent." Mot. 2. The Parties further represent that the Agreement is a true copy and that there are no other agreements between the parties concerning this proceeding. *Id.* at 3.

Even though this proceeding has moved beyond the preliminary stage, we have not yet decided the merits, and the parties have adequately shown that termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding.

In the Request, the parties request that the Agreement be treated as business confidential information. Request 1.

After review, we find that the Agreement contains business confidential information regarding the terms of settlement. We determine that good cause exists to treat the Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

In the Request, the parties request that in the event a person or entity makes a request for access to the Confidential Settlement Agreement, that such written request be served upon the parties on the day the request is provided to the Board.

Request 1–2.

In the event that a request is made to make the settlement agreement available the course of action can be determined at that time. We therefore decline to issue an order mandating any particular action. Thus, this request is denied.

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

ORDER

Accordingly, it is ORDERED that:

the Motion is *granted*, and this proceeding is *terminated* as to all parties; and

FURTHER, the Request is *granted-in-part*, and the Agreement shall be kept separate from the files of Patent 10,652,111 B2, and be 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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