

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

CROGA INNOVATIONS LTD.,
Patent Owner.

IPR2024-01283
Patent 11,223,601 B2

Before TERRENCE W. McMILLIN, KEVIN C. TROCK, and
RUSSELL E. CASS, *Administrative Patent Judges*.

McMILLIN, 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 (collectively “the Parties”) filed a Joint Motion to Terminate *Inter Partes* Review due to settlement. Paper 21 (“Joint Motion”). In support of the Joint Motion, the Parties filed a Confidential Settlement Agreement (Ex. 1042 (“Settlement Agreement”)), as well as a Joint Request to Keep Agreement Confidential and Separate (Paper 22 (“Joint Request”)) pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. 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.”

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true and complete copy of their agreement.¹ Joint Motion 1–2. The Parties further represent that their confidential settlement agreement resolves this 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, and that Ex. 1042 and Ex. 1043 represent a true and accurate copy of the entire agreement between the parties that resolves the present proceeding.” *Id.*

We instituted a trial on the above-identified proceeding on February 13, 2025. We have not yet decided the merits of the proceeding, and a final

¹ The Joint Motion states that Exhibit 1042 is “[a] true and correct copy of the parties’ Settlement Agreement . . . along with an email exchange clarifying one item in the Settlement Agreement (Ex. 1043).” Joint Motion 1. Both Exhibit 1042 and Exhibit 1043 were filed by the parties and are in the record of this proceeding.

written decision has not been entered in this case. Notwithstanding that the proceeding has moved beyond the preliminary stage, the Parties have shown adequately that the termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

After reviewing the Settlement Agreement and the related email exchange between Petitioner and Patent Owner, we find that the Settlement Agreement (Exhibit 1042) and the related email exchange (Exhibit 1043) contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement (Exhibit 1042) and the related email exchange (Exhibit 1043) between Petitioner and Patent Owner 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).

ORDER

Accordingly, for the reasons discussed above, it is

ORDERED that the Joint Motion to Terminate (Paper 21) is *granted*, and IPR2024-01283 is hereby *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Request to Keep Agreement Confidential and Separate (Paper 22) is *granted* and the Settlement Agreement (Exhibit 1042) and the related email exchange (Exhibit 1043) shall be kept separate from the files of Patent 11,223,601 B2, and made available only to Federal Government agencies on written request, or to any

IPR2024-01283
Patent 11,223,601 B2

person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

IPR2024-01283
Patent 11,223,601 B2

FOR PETITIONER:

Theodore Foster
David McCombs
Calmann Clements
Adam Erickson
Gregory Huh
HAYNES AND BOONE, LLP
ipr.theo.foster@haynesboone.com
david.mccombs.ipr@haynesboone.com
calmann.clements.ipr@haynesboone.com
adam.erickson.ipr@haynesboone.com
gregory.huh.ipr@haynesboone.com

FOR PATENT OWNER:

Brett Cooper
Seth Lindner
BC LAW GROUP, P.C.
bcooper@bc-lawgroup.com
slindner@bc-lawgroup.com

Robert Auchter
AUCHTER PLLC
robert@auchterlaw.com