

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OPENTV, INC.
Petitioner

v.

CISCO TECHNOLOGY, INC.
Patent Owner

Case IPR2013-00328
Patent 6,744,892 B2

Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On January 31, 2014, the parties filed a joint motion (Paper 22) to terminate the instant proceeding on the basis of a settlement reached by the parties. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement (Exhibit 2001) and a request

(Paper 23) to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The instant proceeding is still in the preliminary stages. The Board instituted a trial on November 29, 2013, and Patent Owner has not yet filed its response or any motion to amend claims. The parties further represent that they have agreed to dismissal of the pending district court litigation between the parties involving Patent 6,744,892 B2. *See* Paper 22 at 2. The parties identify no other related matters. Under the circumstances, the Board determines that it is appropriate to terminate the trial without rendering a final written decision. *See* 37 C.F.R. § 42.72.

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint request that the settlement agreement (Exhibit 2001) be treated as business confidential information, kept separate from the file of Patent 6,744,892 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the joint motion to terminate the proceeding is *granted* and this proceeding is hereby *terminated*.

Case IPR2013-00328

Patent 6,744,892 B2

PETITIONER:

Nicholas T. Bauz

Bing Ai

Amy E. Simpson

PERKINS COIE LLP

opentv-cisco-ipr@perkinscoie.com

PATENT OWNER:

David L. McCombs

Jamie McDole

Phillip Philbin

Gregory P. Huh

HAYNES AND BOONE, LLP

David.mccombs.ipr@haynesboone.com

jamie.mcdole@haynesboone.com

phillip.philbin.ipr@haynesboone.com

gregory.huh.ipr@haynesboone.com