

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC,  
Patent Owner.

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Case IPR2018-01384  
Patent 8,934,535 B2

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Before KEVIN W. CHERRY, GARTH D. BAER, and NABEEL U. KHAN,  
*Administrative Patent Judges.*

KHAN, *Administrative Patent Judge.*

ORDER

Dismissing Petition  
*37 C.F.R. §§ 42.5(a) and 42.71(a)*

and

Granting Request to Treat Settlement Documents as  
Confidential Business Information  
*37 C.F.R. § 42.74(c)*

On October 8, 2018, the parties filed a Joint Motion to Terminate *Inter Partes* Reviews (Paper 6) and Joint Request to Keep Separate (Paper 7). Because we have not instituted an *inter partes* review, we treat the Joint Motion to Terminate as a joint motion to dismiss the Petition. The Motion requests dismissal because the litigation between the parties involving US Patent No. 8,934,535 B2 (the '535 patent) has been dismissed and the parties do not contemplate any litigation or proceeding involving the '535 patent in the foreseeable future. Paper 6, 3. The parties concurrently filed a true copy of their settlement agreement. *Id.* at 2; *see* Ex. 2001.

This proceeding is at an early stage. Petitioner filed a Petition for *Inter Partes* Review on July 12, 2018. Paper 2. Patent Owner has not filed a Preliminary Response, and we have neither considered the merits of the Petition nor decided whether to institute trial.

Under these circumstances, we determine it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). We also determine it is appropriate to treat the parties' settlement agreement (Ex. 2001) as confidential business information, and to keep that document separate from the files of the '610 patent.

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

Accordingly, it is hereby:

ORDERED that the Petition for *Inter Partes* Review of U.S. Patent No. 8,934,535 B2 is dismissed; and

FURTHER ORDERED that Exhibit 2001 be maintained as confidential business information and kept separate from the files of U.S. Patent No. 8,934,535 B2.

IPR2018-01384  
Patent 8,934,535 B2

PETITIONER:

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