

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETAPP, INC.,  
Petitioner,

v.

PROVEN NETWORKS, LLC,  
Patent Owner.

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IPR2022-00644  
Patent 8,687,573 B2

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Before PATRICK M. BOUCHER, JOHN A. HUDALLA, and  
STEPHEN E. BELISLE, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

DECISION  
*Settlement Prior to Institution of Trial*  
37 C.F.R. § 42.74

With our authorization, the parties filed a Joint Motion to Dismiss *Inter Partes* Review. Paper 8 (“Mot.”). The parties assert that they have “settled their underlying dispute and reached agreement to dismiss this [*inter*

*partes* review] in a written agreement.” Mot. 1. The parties represent that a “true copy of the agreement is submitted as Exhibit 1028.” *Id.* The parties further represent that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the dismissal of the [*inter partes* review].” *Id.* In a separate paper, the parties also “jointly request that the agreement (Ex. 1028) . . . be filed as business confidential information” and that “the agreement be kept separate from the file of this proceeding and the involved patent and be made available only to Federal Government agencies on written request, and only to persons showing good cause.” Paper 9, 1.

The Board has not yet decided whether to institute a trial, and we determine that good cause exists to dismiss the Petition (Paper 1) and to terminate the preliminary proceeding. *See* 37 C.F.R. § 42.74. After reviewing the parties’ settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement, and we determine that good cause exists to treat the settlement agreement as business confidential information. *See id.*

It is

ORDERED that the Joint Motion to Dismiss *Inter Partes* Review is *granted*;

FURTHER ORDERED that the Petition (Paper 1) is *dismissed* and the preliminary proceeding is *terminated*; and

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FURTHER ORDERED that the filed settlement agreement (Ex. 1028) be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c) and also remain designated as available only to “Parties and Board” in the Board’s E2E system.

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PETITIONER

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