

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

SPHERIX PORTFOLIO ACQUISITION II, INC.,
Patent Owner.

Cases

IPR2015-00999 (Patent 7,397,763 B2)

IPR2015-01001 (Patent 8,607,323 B2)¹

Before JUSTIN BUSCH, LYNNE E. PETTIGREW, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate

35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ This order addresses issues that are the same in both cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2015-00999 (Patent 7,397,763 B2)

IPR2015-01001 (Patent 8,607,323 B2)

On December 3, 2015, Cisco Systems, Inc. (“Petitioner”) and Spherix Portfolio Acquisition II, Inc. (“Patent Owner”) filed a “Joint Motion to Terminate Proceedings” based on a settlement agreement that resolves the parties’ disputes related to the challenged patents. Paper 13.² The parties concurrently filed a copy of the settlement agreement between Petitioner and Patent Owner (Ex. 1013) and a “Joint Request to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317” (Paper 14). *See* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

These proceedings are in their early stages. For example, Patent Owner has not filed a Patent Owner Response. As a result, we have not yet decided the merits of these proceedings. Under these circumstances, we determine that it is appropriate to terminate these proceedings as to both Petitioner and Patent Owner without rendering a final written decision. *See* 37 C.F.R. §§ 42.72, 42.74.

² Citations are to the filings in IPR2015-00999, unless otherwise noted.

IPR2015-00999 (Patent 7,397,763 B2)

IPR2015-01001 (Patent 8,607,323 B2)

ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceedings is
granted; and

FURTHER ORDERED that the settlement agreements (Exhibit 1013
in IPR2015-0999 and Exhibit 1046 in IPR2015-01001) be treated as
business confidential information and be kept separate from the files of the
involved U.S. Patent Nos. 7,397,763 B2 and 8,607,323 B2.

IPR2015-00999 (Patent 7,397,763 B2)
IPR2015-01001 (Patent 8,607,323 B2)

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