

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner,

v.

IMPLICIT, LLC,
Patent Owner.

IPR2020-00585, IPR2020-00586, IPR2020-00587,
IPR2020-00590, IPR2020-00591, and IPR2020-00592¹

Before THOMAS L. GIANNETTI, BARBARA A. PARVIS,
SHEILA F. McSHANE, and NABEEL U. KHAN,
*Administrative Patent Judges.*²

PARVIS, *Administrative Patent Judge.*

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.72

¹ The parties may not use this caption for any subsequent papers without prior Board authorization.

² This is not an order from an expanded panel of the Board. Administrative Patent Judges of each of the three-member panels from all the respective proceedings are listed.

IPR2020-00585 (Patent 8,694,683 B2)
IPR2020-00586 (Patent 9,270,790 B2)
IPR2020-00587 (Patent 9,591,104 B2)
IPR2020-00590 (Patent 10,027,780 B2)
IPR2020-00591 (Patent 10,033,839 B2)
IPR2020-00592 (Patent 10,225,378 B2)

On January 15, 2021, pursuant to the Board’s authorization, Juniper Networks, Inc. (“Petitioner”) and Implicit, LLC (“Patent Owner”) filed a joint motion in each of the cases³ to terminate each of the instant *inter partes* reviews pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72. Paper 22 (“Joint Motion” or “Mot.”).⁴ The Joint Motion was accompanied by a true, unredacted copy of a Settlement Agreement (Exhibit 2016). The parties also request that the Settlement Agreement be treated as business confidential information, to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Mot. 3.

In its Joint Motion, the parties jointly request termination of the proceedings. Mot. 1. The parties state that they have settled their disputes regarding the challenged patents and filed a stipulation of dismissal on January 4, 2021 in the parallel litigation. *Id.* at 2. The parties state that “[g]iven the early stages of this proceeding, the Parties submit it is appropriate to terminate review under Section 317(a) and not proceed to a final written decision.” *Id.* at 3.

The Board generally expects that “a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided

³ The challenged patents in these proceedings are, respectively, U.S. Patent Nos. 8,694,683 B2, 9,270,790 B2, 9,591,104 B2, 10,027,780 B2, 10,033,839 B2, and 10,225,378 B2.

⁴ For purposes of expediency, we cite to the Motion and Exhibits filed in IPR2020-00585, unless otherwise indicated. The parties filed similar Motions and Exhibits in IPR2020-00586, IPR2020-00587, IPR2020-00590, IPR2020-00591, and IPR2020-00592.

IPR2020-00585 (Patent 8,694,683 B2)
IPR2020-00586 (Patent 9,270,790 B2)
IPR2020-00587 (Patent 9,591,104 B2)
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the merits.” Consolidated Trial Practice Guide, 86 (Nov. 2019),
<https://go.usa.gov/xpvPF>; *see also* 35 U.S.C. § 327; 37 C.F.R. § 42.72.

Here, although the Board has instituted *inter partes* review of the challenged patents, the Board has not decided the merits of the proceeding. Under these circumstances, therefore, we determine that it is appropriate to terminate this proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant the parties’ Joint Motions to terminate.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement Agreement treated as business confidential information and kept separate from the files of the challenged patents in these proceedings. Thus, we grant the parties’ request to treat the Settlement Agreement as business confidential.

Accordingly, it is

ORDERED that the Joint Motions to terminate the instant proceedings are GRANTED;

FURTHER ORDERED that the joint request to treat the parties’ Settlement Agreement (IPR2020-00585, Exhibit 2016; IPR2020-00586, Exhibit 2015; IPR2020-00587, Exhibit 2015; IPR2020-00590, Exhibit 2015; IPR2020-00591, Exhibit 2015; IPR2020-00592, Exhibit 2015) as business confidential information, to be kept separate from the patent file, is GRANTED; and

FURTHER ORDERED that the instant proceedings are TERMINATED.

IPR2020-00585 (Patent 8,694,683 B2)
IPR2020-00586 (Patent 9,270,790 B2)
IPR2020-00587 (Patent 9,591,104 B2)
IPR2020-00590 (Patent 10,027,780 B2)
IPR2020-00591 (Patent 10,033,839 B2)
IPR2020-00592 (Patent 10,225,378 B2)

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