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Paper 52
Date: June 17, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLUSION, INC.
Petitioner

v.

VERSATA SOFTWARE, INC. AND
VERSATA DEVELOPMENT GROUP, INC.
Patent Owner

Case CBM2013-00018
Patent 7,426,481 B1

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and KEVIN F. TURNER, *Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

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

On May 27, 2014, the parties informed the Board that the parties had settled the proceeding, along with the related District Court case, and that the parties sought authorization to file a joint motion to terminate the proceeding. The following morning, the parties filed a copy of the settlement agreement, along with

a joint request to keep the agreement as business confidential information and to keep the agreement separate from the file of the involved patent. Paper 49; Ex. 1023. The already-scheduled hearing took place that afternoon, May 28, 2014. Counsel for Patent Owner was the sole presenter. On June 3, 2014, the parties were authorized to file a joint motion to terminate the proceeding. Paper 50.

On June 6, 2014, and pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74, the parties filed a joint motion to terminate the proceeding. Paper 51. In the joint motion, the parties represent that the settlement agreement filed on May 28, 2014 is a true copy and resolves all Patent Office and District Court proceedings between the parties, including related case *Versata Software, Inc., et al. v. Volusion, Inc.*, Civ. A. No. 1:12-cv-00893-SS (W.D. Tex.). *Id.* at 2. According to the motion, no other party has petitioned for a covered business method patent review or an *inter partes* review with respect to the '481 patent. Lastly, the motion indicates that there is a pending District Court case between the Patent Owner and a third party, but the third party has not pursued an *inter partes* review or a covered business method patent review of the '481 patent.

This covered business method patent review was instituted for all claims of the '481 patent based solely upon Petitioner's assertion that the claims are unpatentable under 35 U.S.C. § 101. While this case is in the late stages of the trial, no final written decision has been made. Based on the facts of this case, it is appropriate to enter judgment.[1] Therefore, the joint motion to terminate the proceeding is *granted*.

Accordingly, it is

[1] A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file is *granted*; and

FURTHER ORDERED that the joint motion to terminate the proceeding is *granted*;

FURTHER ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that Patent Owner's request for rehearing of the dismissal of Patent Owner's Motion to Exclude (Paper 48) is *dismissed* as moot.

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