

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLTAGE SECURITY, INC.
Petitioner

v.

PROTEGRITY CORP.
Patent Owner

Case CBM2014-00024
Patent 8,402,281

Before MEREDITH C. PETRAVICK, TRENTON A. WARD, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

INTRODUCTION

On April 25, 2014, the parties filed a joint motion to terminate the instant proceeding (Paper 15), along with, what they describe as a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding (Ex. 2016). The parties also filed a joint request to treat the settlement agreement as business confidential information. Paper 16. For the reasons set forth below, the motion and request is granted.

DISCUSSION

Under 35 U.S.C. § 327(a), “[a] post-grant 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.” *See also* 37 C.F.R. § 42.72. The parties are reminded that the Board is not a party to the settlement, and may independently identify any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

The parties filed a joint motion stating that they settled their dispute and move to terminate this proceeding, pursuant to 35 U.S.C. § 327(a). Paper 15 at 1. The parties filed what they describe as a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding. Ex. 2016. The motion indicates that an Order of

Dismissal with Prejudice was entered on April 24, 2014 in the District Court case between the parties concerning Patent No. 8,402,281 B2. Paper 15 at 4 (citing Protegrity Corporation v. Voltage Security, Inc., No. 3:13-cv-441 (D. Conn.)). This proceeding is in the early stages, as the Patent Owner has not yet filed a full response to the petition and the Board has not issued a final decision. Under these circumstances, it is appropriate to enter judgment¹ terminating this proceeding without rendering a final written decision.

CONCLUSION

It is:

ORDERED that the joint motion to terminate the proceeding is GRANTED, and this proceeding is, hereby, terminated; and

FURTHER ORDERED that the parties' joint request that the settlement agreement (Ex. 2016) be treated as business confidential information and kept separate from the file of the involved patent under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c) is GRANTED.

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

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Patent 8,402,281 B2

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