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Paper 13
Entered: February 8, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES, INC.,
Petitioner,

v.

YODLEE, INC.,
Patent Owner.

Case IPR2016-00273 (Patent 6,317,783 B1)
Case CBM2016-00056 (Patent 6,510,451 B2)
Case CBM2016-00088 (Patent 7,752,535 B2)
Case CBM2016-00089 (Patent 8,266,515 B2)

Before SALLY C. MEDLEY, KEVIN F. TURNER, MICHAEL W. KIM, MICHAEL R. ZECHER, CHRISTOPHER M. KAISER, and JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

DECISION
Termination of the Trials
37 C.F.R. § 42.72

On February 7, 2017, the parties filed, in each of the instant cases, a joint motion to terminate the trial on the basis of a settlement reached by the parties. *See* 35 U.S.C. § 317(a); 35 U.S.C. § 327(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement and a separate request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b), 35 U.S.C. § 327(b), and 37 C.F.R. § 42.74(c).[1]

The parties' joint motions to terminate were filed prior to the oral hearings in these cases, and the Board has not made a final decision on the merits in any of these cases. *See* 35 U.S.C. § 317(a); 35 U.S.C. § 327(a). The parties represent that they have settled their dispute, and that the related district court litigation has been settled and dismissed.[2] Paper 26, 1–2. Given these facts, we determine that it is appropriate to terminate the trials, without rendering a final written decision, under 37 C.F.R. § 42.72. The oral hearings in all of the instant cases are canceled.

"At the request of a party to the proceeding, the [settlement] agreement or understanding shall be treated as business confidential

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[1] *See* Case IPR2016-00273, Papers 26–28; Case CBM2016-00056, Papers 17–19; Case CBM2016-00088, Papers 10–12; Case CBM2016-00089, Papers 10–12. Because the papers are nearly identical in each case, we will refer to those filed in Case IPR2016-00273 for convenience. We authorized the joint motions to terminate in an email dated February 3, 2017.

[2] Each motion to terminate also states that a copy of the settlement agreement "is being filed concurrently herewith as an Exhibit." Paper 26, 1. Notwithstanding, the parties filed the settlement agreement as a separate paper in each case. *See* Paper 28. The parties are reminded that evidence is typically filed in the form of an exhibit. *See* 37 C.F.R. § 42.63(a).

information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause." 35 U.S.C. §§ 317(b), 327(b). After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. §§ 317(b) and 327(b).

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint request to treat their settlement agreement (Case IPR2016-00273, Paper 28; Case CBM2016-00056, Paper 19; Case CBM2016-00088, Paper 12; Case CBM2016-00089, Paper 12) as business confidential information under 35 U.S.C. § 317(b), 35 U.S.C. § 327(b), and 37 C.F.R. § 42.74(c) and to continue its designation as "Parties and Board Only" in the Patent Trial and Appeal Board End to End (PTAB E2E) system is *granted*;

FURTHER ORDERED that the parties' settlement agreement be kept separate from the files of U.S. Patent No. 6,317,783 B1, U.S. Patent No. 6,510,451 B2, U.S. Patent No. 7,752,535 B2, U.S. Patent No. 8,266,515 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause; and

FURTHER ORDERED that the joint motions to terminate the instant trials are *granted* and the trials are hereby *terminated*.

IPR2016-00273 (Patent 6,317,783 B1)
CBM2016-00056 (Patent 6,510,451 B2)
CBM2016-00088 (Patent 7,752,535 B2)
CBM2016-00089 (Patent 8,266,515 B2)

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