

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZERTO INC.
Petitioner

v.

EMC ISRAEL DEVELOPMENT CENTER, LTD.
Patent Owner

Case IPR2013-00456
U.S. Patent No. 7,516,287 B2

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

On August 30, 2013, the parties filed a joint motion (Paper 12) to terminate this proceeding. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement (Exhibit 1006)¹ and a request (Paper 13) to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This proceeding is still in the preliminary stages. Patent Owner has not yet filed its preliminary response and the Board has not instituted a trial. The parties further represent that the pending district court litigation with respect to U.S. Patent No. 7,516,287 B2 has been dismissed without prejudice. Paper 12 at 2-3; *see also* Ex. 1007. The parties identify no other related matters. Under the circumstances, the Board determines that it is appropriate to terminate this proceeding without rendering either a decision to institute or a final written decision. *See* 37 C.F.R. § 42.72.

Accordingly, it is hereby:

ORDERED that the parties' joint request that the settlement agreement (Exhibit 1006) be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED and this proceeding is hereby terminated.

¹ The parties originally labeled both the written settlement agreement and the stipulation and order entered in the pending district court litigation as Exhibit 1. Because the original labeling was improper, the Board Administrative Staff re-labeled the written settlement agreement as Exhibit 1006 and the stipulation and order entered in the pending district court litigation as Exhibit 1007.

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PETITIONER:

Matthew B. Lowrie
John D. Lanza
Foley & Lardner LLP
111 Huntington Avenue, Suite 2600
Boston, MA 02199
jlanza-PRPS@foley.com

PATENT OWNER:

Edmund J. Walsh
Marc S. Johannes
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210-2206
EWalsh-PTAB@wolfgreenfield.com
MJohannes-PTAB@wolfgreenfield.com