

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, INC.,
Petitioner,

v.

GOOD TECHNOLOGY SOFTWARE, INC.,
Patent Owner.

Case IPR2014-01324 (Patent 7,702,322 B1)
Case IPR2015-00027 (Patent 7,970,386 B2)
Case IPR2015-00030 (Patent 6,151,606)
Case IPR2015-00031 (Patent 8,012,219 B2)

Before BRYAN F. MOORE, PETER P. CHEN, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

ORDER¹
Termination of the Proceeding
37 C.F.R. § 42.74

¹ We exercise our discretion to issue one identical decision in each case using this caption style. Unless otherwise authorized, the parties are not permitted to use this style.

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I. INTRODUCTION

On May 1, 2015, the parties filed a Joint Motion to Terminate with Request to Keep Separate pursuant to 42 C.F.R. §§ 42.5(a), 42.71(a), and 42.74. IPR2014-01324, Paper 30 (“Joint Mot.”)²; IPR2015-00027, Paper 14; IPR2015-00030, Paper 14; IPR2015-00031, Paper 14. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed a true copy of a Patent License and Settlement Agreement. IPR2014-01324, Ex. 1027; IPR2015-00027, Ex. 1021; IPR2015-00030, Ex. 1034; IPR2015-00031, Ex. 1019. The Joint Motion to Terminate with Request to Keep Separate identifies the Patent License and Settlement Agreement as business confidential information and requests that the agreement be kept separate from the patent file. Joint Mot. 4–5.

II. ANALYSIS

We denied institution of an *inter partes* review in the above-captioned proceedings (*see, e.g.*, Paper 28), and Petitioner filed a request for rehearing of that decision (*see, e.g.*, Paper 29). Petitioner’s request for rehearing is currently pending. The parties identify various related U.S. and non-U.S. lawsuits and various related proceedings before the U.S. Patent and Trademark Office (“USPTO”) involving the parties. Joint Mot. 2–3. The parties represent that the filed agreement settles all disputes between the parties with respect to the above-captioned proceedings. *Id.* at 1. Further, the parties represent that, pursuant to the filed agreement, all related lawsuits involving the parties have been dismissed (*id.* at 2–3), and that the parties

² This decision cites to the record of the IPR2014-01324, unless otherwise noted.

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are filing appropriate motions requesting termination of the related proceedings before the USPTO (*id.* at 3). Under these circumstances, we determine that good cause exists to terminate the above-captioned proceedings without rendering a decision on Petitioner's request for rehearing.

The parties are reminded that confidential information that is subject to a protective order ordinarily becomes public 45 days after denial of a petition to institute a trial or 45 days after final judgment in a trial. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012). After denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record prior to the information becoming public. *See* 37 C.F.R. § 42.56.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate with Request to Keep Separate is *granted*;

FURTHER ORDERED that the parties' request that the Patent License and Settlement Agreement (IPR2014-01324, Ex. 1027; IPR2015-00027, Ex. 1021; IPR2015-00030, Ex. 1034; IPR2015-00031, Ex. 1019) be treated as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that all documents designated as confidential by the parties in the above-captioned proceedings other than the aforementioned Patent License and Settlement Agreement will be

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maintained as confidential for 45 days from the date of this order, after which those documents will become public if not expunged from the record;

FURTHER ORDERED that all other pending motions in the above-captioned proceedings, including Petitioner's request for rehearing, are *denied* as moot; and

FURTHER ORDERED that the above-captioned proceedings are *terminated*.

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