

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PACSGEAR, INC., PERCEPTIVE SOFTWARE, LLC,
LEXMARK INTERNATIONAL TECHNOLOGY, S.A.,
LEXMARK INTERNATIONAL, INC., and
PERCEPTIVE SOFTWARE USA, INC.,
Petitioner,

v.

SORNA CORPORATION,
Patent Owner.

Case IPR2015-00037
Patent 7,965,408 B2

Before MICHAEL R. ZECHER, J. JOHN LEE, and MINN CHUNG,
Administrative Patent Judges.

ZECHER, *Administrative Patent Judge.*

DECISION
Termination of the Proceeding
37 C.F.R. §§ 42.72, 42.74

I. DISCUSSION

On May 1, 2015, the parties filed a Joint Motion to Terminate this proceeding (Paper 18), along with an agreement to terminate executed by counsel of record (Ex. 2002). After reviewing these documents, we informed the parties via email correspondence that, although the agreement to terminate references a settlement agreement reached by the parties, it was not a true copy of the settlement agreement as required by 37 C.F.R. § 42.74(b). We also noted that the agreement to terminate was executed by counsel of record—not the parties themselves. We instructed the parties to file a true copy of the settlement agreement by mid-day May 4, 2015, and, if they so choose, a request to treat the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). Later in the evening on May 1, 2015, the parties complied with our instructions by filing a true copy of the settlement agreement (Ex. 2003),¹ along with a request (Paper 19) to treat the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c).

This proceeding is still in its preliminary stages. Although Patent Owner, Sorna Corporation (“Sorna”), timely filed a Preliminary Response, we have not yet entered a decision whether or not to institute an *inter partes* review. In the Joint Motion to Terminate this proceeding, the parties represent that the related district court case involving U.S. Patent No. 7,965,408 B2 (“the ’408 patent”) has been dismissed with prejudice. Paper 18, 4. The parties further represent that there are no other proceedings

¹ The parties originally numbered the true copy of the settlement agreement as Exhibit 2002. To avoid confusing the agreement to terminate executed by counsel of record with the true copy of the settlement agreement, we renumbered the true copy of the settlement agreement as Exhibit 2003.

involving the '408 patent. *See id.* at 5. Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the request to treat the settlement agreement (Ex. 2003) as business confidential information under 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the parties' Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

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Patent 7,965,408 B2

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