

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, INC.,
Petitioner,

v.

GOOD TECHNOLOGY CORPORATION,
Patent Owner.

Case IPR2015-00909
Patent 8,117,344 B2

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

WEINSCHENK, *Administrative Patent Judge*.

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

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. Paper 5 (“Joint Mot.”). 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. Ex. 1015. 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

This case is in the preliminary proceeding¹ stage; no decision whether to institute a trial has been made. 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 proceeding. *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 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 proceeding at this preliminary proceeding stage and without rendering a final written decision.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

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 (Ex. 1015) be treated as business confidential information, to be kept separate from the patent file, is *granted*; and

FURTHER ORDERED that the above-captioned proceeding is *terminated*.

IPR2015-00909
Patent 8,117,344 B2

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