

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELPHIX CORPORATION,
Petitioner,

v.

ACTIFIO, INC.,
Patent Owner.

Case IPR2016-00368
Patent 8,904,126 B2

Before JUSTIN T. ARBES, THOMAS L. GIANNETTI, and
ROBERT L. KINDER, *Administrative Patent Judges*.

KINDER, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.72

On June 15, 2016, the parties filed a joint motion to terminate the proceeding on the basis of an agreement reached by the parties. Paper 7. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their “Stipulation of Dismissal” from the related district court case: D. Mass. Case No. 14-cv-13247-DJC. *See* Paper 8, Ex. 2001. Pursuant to our request, the parties also filed a certification on June 20, 2016, attesting that the “Stipulation of Dismissal” is the only “agreement” made in connection with or in contemplation of the termination of this *inter partes* review, pursuant to 35 U.S.C. § 317(b). Paper 10.

We have not yet entered a decision on institution in this proceeding. The parties submit that termination is appropriate because the parties have resolved their dispute and have reached agreement to terminate both the district court case and this proceeding. *See, e.g.*, Paper 7, 1–4. Based on the facts of this case, it is appropriate to enter judgment terminating the proceeding without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

ORDER

Accordingly, it is

ORDERED that the joint motion to terminate IPR2016-00368 is *granted*; and

FURTHER ORDERED that the above case is hereby *terminated* as to all parties, including Petitioner and Patent Owner.

IPR2016-00368
Patent 8,904,126 B2

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