Trials@uspto.gov
571–272–7822

Paper 14
Entered: January 20, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC.,
Petitioner,

v.

CHRIMAR SYSTEMS, INC.,
Patent Owner.

Case IPR2016-01151
Patent 9,019,838 B2

Before KARL D. EASTHOM, GREGG I. ANDERSON, and ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
35 U.S.C. § 317(a)

I. INTRODUCTION

Dell Inc. ("Dell") and Chrimar Systems, Inc. ("Chrimar") filed a Joint Motion to Terminate the Proceeding. Paper 11 ("Motion" or "Mot."). The parties also filed a true copy of a Settlement and License Agreement ("Agreement"). Ex. 1024. The parties identified the Agreement as business confidential information and requested that the Agreement be kept separate from the patent file. Paper 12 ("Joint Request"). For the reasons discussed below, the Motion and Joint Request are *granted*.

II. ANALYSIS

In general, "[a] motion will not be entered without Board authorization." 37 C.F.R. § 42.20(b). Here, the parties did not seek authorization from the Board prior to filing the Motion. Nonetheless, because there is no apparent prejudice, we treat the Motion as if it were authorized. The parties are instructed, though, to seek Board authorization, where required, for any future motions in this case and any other cases before the Board.

Turning to the merits, no oral hearing has occurred in this proceeding, and we have not made a decision on the merits. Dell and Chrimar indicate that, pursuant to the Agreement, they have settled their dispute regarding U.S. Patent No. 9,019,838 B2. Mot. 1–2. The parties represent that "there is no other agreement, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding." *Id.* at 2. Under these circumstances, we determine that it is appropriate to terminate this proceeding. *See* 35 U.S.C. § 317(a). We also determine that it is appropriate to treat the Agreement as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 317(b).

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate the Proceeding is *granted*;

FURTHER ORDERED that this proceeding is terminated as to all parties; and

FURTHER ORDERED that the Joint Request to treat the Settlement and License Agreement (Ex. 1024) as business confidential information to be kept separate from the patent file is *granted*.

PETITIONER:

Gilbert A. Greene
James G. Warriner
Stephanie N. DeBrow
NORTON ROSE FULBRIGHT US LLP
bert.greene@nortonrosefulbright.com
jim.warriner@nortonrosefulbright.com
stephanie.debrow@nortonrosefulbright.com

PATENT OWNER:

Justin S. Cohen
THOMPSON & KNIGHT LLP
justin.cohen@tklaw.com

Richard W. Hoffman
REISING ETHINGTON PC
hoffmann@reising.com