

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SALESFORCE.COM, INC.,  
Petitioner,

v.

MICHAEL PHILIP KAUFMAN,  
Patent Owner.

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IPR2021-00396 (Patent 10,025,801 B2)  
IPR2021-00397 (Patent 7,885,981 B2)<sup>1</sup>

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Before BARBARA A. PARVIS, JENNIFER MEYER CHAGNON, and  
ROBERT L. KINDER, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION  
Settlement Prior to Institution of Trial  
*37 C.F.R. § 42.74*

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<sup>1</sup> This Order applies to each of the listed proceedings. The parties are not authorized to use this style heading for any subsequent papers.

## I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to terminate each of the above-identified proceedings. Paper 10<sup>2</sup> ("Mot."). Along with each Joint Motion, the Parties filed a copy of a confidential Settlement Agreement (Ex. 2003), as well as a Joint Motion to Keep Confidential and Separate the Settlement Agreement under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 11 ("Joint Request")).

## II. DISCUSSION

In the Joint Motion, the Parties "jointly request termination of the *inter partes* review of U.S. Patent No. 10,025,801 (Case No. IPR2021-00396) and U.S. Patent No. 7,885,981 (Case No. IPR2021-00397)." Mot. 1. The Parties represent that they have "executed a settlement agreement that resolves all of their disputes concerning U.S. Patent Nos. 10,025,801 and 7,885,981—expressly including the present IPRs." *Id.* at 2. The Parties further represent that "a true and correct copy of the Litigation Settlement Agreement has been filed as Exhibit 2003" and "[t]here are no other agreements between the parties." *Id.* at 3.

These proceedings are still in their preliminary stages. We have not entered a decision on whether to institute *inter partes* review in these proceedings. In view of the early stage of these proceedings and the settlement between the parties, we determine that good cause exists to terminate these proceedings with respect to the parties.

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<sup>2</sup> For purposes of expediency, we cite to Papers and Exhibits filed in IPR2021-00396. Corresponding Papers and Exhibits were filed in each of the captioned proceedings, as shown in the Appendix.

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We also have reviewed the Settlement Agreement, and we determine that the Settlement Agreement contains business confidential information regarding the terms of the settlement, and that good cause exists to treat the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

### III. ORDER

According, it is

ORDERED that the parties' Joint Request to treat the Settlement Agreement as business confidential information under 37 C.F.R. § 42.74(c), to be kept separately, is *granted* in each of the captioned proceedings; and

FURTHER ORDERED that the parties' Joint Motion to Terminate is *granted* in each of the captioned proceedings; the Petition in each of IPR2021-00396 and IPR2021-00397 is dismissed; and the captioned proceedings are *terminated*.

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## **APPENDIX**

| <b>Proceeding</b> | <b>Joint Motion</b> | <b>Joint Request</b> | <b>Settlement Agreement</b> |
|-------------------|---------------------|----------------------|-----------------------------|
| IPR2021-00396     | Paper 10            | Paper 11             | Ex. 2003                    |
| IPR2021-00397     | Paper 9             | Paper 10             | Ex. 2003                    |

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IPR2021-00397 (Patent 7,885,981 B2)

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