

From: [Trials](#)
To: [Herman, K. Patrick](#); [Trials](#)
Cc: [Caridis, Alyssa](#); lcipriano@goodwinlaw.com; [Kline, Douglas J](#); [Shiferman, Lana](#); aong@goodwinlaw.com
Subject: RE: Zendrive v. CMT, IPR2023-01440 (US Patent No. 10,672,249) - Joint Request to File Motion to Terminate
Date: Thursday, December 21, 2023 1:55:09 PM
Attachments: [image003.png](#)

Counsel,

A Decision on Institution has not yet issued in this case. The Board authorizes the parties to file a joint motion to dismiss and terminate the proceeding. The joint motion should reference this e-mail authorization, and certify that the settlement agreement attached as an Exhibit is a true copy of any and all agreements made in connection with or in contemplation of the requested termination, including any collateral agreements. The joint motion also must certify that there are no other collateral agreements in connection with the settlement. See 35 U.S.C. § 317(b) (governing post-institution settlements); 37 C.F.R. § 42.74(b) (governing settlements in general). The Board also authorizes the parties to file a joint request to treat the agreement as business confidential information under 37 C.F.R. § 42.74(c). That request may be part of the joint motion to terminate or may be a separate paper. The Exhibit containing the agreement(s) must be filed "For Board only" or "For Board and Parties Only."

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571)272-7822

From: Herman, K. Patrick <pberman@orrick.com>
Sent: Wednesday, December 20, 2023 6:31 PM
To: Trials <Trials@USPTO.GOV>
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Dear Board,

Petitioner and Patent Owner jointly request leave to file a motion to terminate the above proceeding in view of the settlement of their dispute relating to the '249 patent-at-issue (along with a motion to keep their settlement agreement confidential). To the extent the Board believes a call to further discuss the proposed motion is necessary, Petitioner and Patent Owner are available on December 22, 2023 from 2-3pm ET or December 26, 2023

from 10-11am ET.

Regards,
Patrick Herman
(Counsel for Petitioner)

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