

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP.,
Petitioner,

v.

VIRTAMOVE, CORP.,
Patent Owner.

IPR2025-00849 (Patent 7,519,814 B2)
IPR2025-00850 (Patent 7,519,814 B2)
IPR2025-00851 (Patent 7,519,814 B2)
IPR2025-00852 (Patent 7,519,814 B2)
IPR2025-00853 (Patent 7,784,058 B2)
IPR2025-00854 (Patent 7,784,058 B2)
IPR2025-00855 (Patent 7,784,058 B2)¹

Before CHARLES J. BOUDREAU, ROBERT L. KINDER,
SHEILA F. McSHANE, and JASON M. REPKO,
*Administrative Patent Judges.*²

PER CURIAM.

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

¹ The combined caption is for administrative convenience only and does not indicate that the above-listed proceedings have been joined. The parties are not authorized to use this caption without the Board's express permission.

² The four listed judges represent overlapping panels on several proceedings. This is not an expanded panel.

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I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively, “the Parties”) filed a Joint Motion to Terminate due to settlement in each of the above-listed proceedings. Paper 10 (“Joint Motion” or “Mot.”).³ In support of the Joint Motion, the Parties filed a confidential Settlement Agreement (Ex. 1148) in each of the above-listed proceedings. With the Board’s authorization, the Parties also filed a Joint Request That Settlement Agreement Be Treated as Business Confidential Information and Be Kept Separate Under 35 U.S.C. § 317(b) (Paper 11 (“Joint Request” or “Request”)) in each captioned proceeding.

II. DISCUSSION

In the Joint Motions, the Parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings. Mot. 7.⁴ The Parties represent that they have resolved all underlying disputes between them regarding the challenged patents and that “[a]ll pending related litigations between the parties have been or will be dismissed.” *Id.* The Parties also represent that the filed copy of the Settlement Agreement “does not reference any other agreement and is the entire agreement between the parties.” *Id.* at 8.

³ This Decision cites to papers and exhibits filed in IPR2025-00849. Substantively identical papers and exhibits were filed in each captioned proceeding.

⁴ The Joint Motion does not include page numbers. We refer to page numbers starting with the Joint Motion’s cover page as page one.

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The above-listed proceedings are at an early stage, and we have not yet decided whether to institute trial in the proceedings. In view of the early stage of the proceedings and the settlement agreement between the Parties, we determine that good cause exists to dismiss the petitions and terminate the proceedings with respect to the Parties. Accordingly, we *grant* the Joint Motions.

In the Joint Requests, the Parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the patents involved in the above-listed *inter partes* proceedings. Request 2.⁵ Specifically,

the parties request that the Agreement be kept as a separate paper to be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties further request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)–(2), for access to the Agreement, that any such written request be served upon the parties on the day the written request is provided to the Board and that the parties be provided an opportunity to respond to the request.

Id.

After reviewing the Settlement Agreement between the Parties, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good

⁵ The Joint Requests do not include page numbers. We refer to page numbers starting with the Joint Requests' cover page as page one.

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cause exists to treat the Settlement Agreement between the Parties as business confidential information pursuant to 37 C.F.R. § 42.74(c).

Accordingly, we *grant-in-part* the Joint Requests. The Settlement Agreement in each proceeding shall be kept separate from the files of U.S. Patent Nos. 7,519,814 B2 and 7,784,058 B2, and will be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).⁶

We deny the portion of the Joint Requests seeking an order from the Board that any written request for access to the Agreement made under 37 C.F.R. § 42.74(c)(1)–(2) “be served upon the parties on the day the written request is provided to the Board and that the parties be provided an opportunity to respond to the request.” Request 2. Neither the statute nor the rule includes such a requirement.

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

III. ORDER

In view of the above, it is

ORDERED that the Joint Motion to Terminate filed in each of the above-listed proceedings is *granted*;

FURTHER ORDERED that the Petition filed in each of the above-listed proceedings is dismissed;

⁶ We note that the Parties list the Settlement Agreement as Exhibit 1148 in the Joint Request filed in IPR2025-00851; however, the Settlement Agreement is filed in that proceeding as Exhibit 1029.

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FURTHER ORDERED that each of the above-listed proceedings is *terminated*;

FURTHER ORDERED that the Joint Request That Settlement Agreement Be Treated as Business Confidential Information and Be Kept Separate Under 35 U.S.C. § 317(b) filed in each of the above-listed proceedings is *granted-in-part* and *denied-in-part* in the manner noted above; and

FURTHER ORDERED that the Settlement Agreement shall remain designated as “Board Only” in the Board’s filing system, be kept separate from the files of the above-listed patents, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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