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Paper No. 8
Entered: August 23, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP.,
Petitioner,

v.

CYPRUS LAKE SOFTWARE, INC.
Patent Owner.

Case PGR2017-00025 (Patent 9,423,923 B1)
Case PGR2017-00026 (Patent 9,423,923 B1)
Case PGR2017-00027 (Patent 9,423,954 B2)
Case PGR2017-00028 (Patent 9,423,938 B1)[1]

Before KARL D. EASTHOM, MINN CHUNG, and JESSICA C. KAISER, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

DECISION
Motion to Dismiss
37 C.F.R. § 42.71(a)

[1] This Decision will be entered in each case. The parties are not authorized to use this caption style.

Petitioner Microsoft Corp. and Patent Owner Cypress Lake Software, Inc. filed a Joint Motion to Terminate the Proceeding (Paper 7, "Motion to Terminate") and a Joint Motion to Treat the Settlement Agreement as Business Confidential Information (Paper 8) in each of the above-captioned cases.[2] The parties represent that they have reached a settlement agreement, which is in writing and a true copy of which has been filed in conjunction with the above motions as required under 37 C.F.R. § 42.74(b). Paper 7; Ex. 1032 ("Settlement Agreement"). The parties also represent that no other agreements exist between the parties concerning these cases or the patents at issue. Paper 7, 2–3.

We construe each Motion to Terminate as a "Motion to Dismiss" under 37 C.F.R. § 42.71(a) because no post-grant review has been instituted in these cases. At this early stage, we determine that dismissal is warranted in light of the parties' joint requests and Settlement Agreement. We further determine that the Settlement Agreement filed by the parties constitutes business confidential information. Therefore, the parties' joint motions discussed above are *granted*.

ORDER

It is

ORDERED that the parties' Motion to Dismiss in each of the above-captioned cases is *granted*, and each case is *dismissed*; and

[2] All citations refer to the record in PGR2017-00025. The parties filed materially the same filings in each of the above-captioned cases.

FURTHER ORDERED that the parties' Joint Motion to Treat the Settlement Agreement as Business Confidential Information in each of the above-captioned cases is *granted*, and the Settlement Agreement in each case shall be kept separate from the pertinent case file consistent with 37 C.F.R. § 42.74(c).

PGR2017-00025 (Patent 9,423,923 B1)
PGR2017-00026 (Patent 9,423,923 B1)
PGR2017-00027 (Patent 9,423,954 B2)
PGR2017-00028 (Patent 9,423,938 B1)

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