

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLUSION, INC.  
Petitioner

v.

VERSATA SOFTWARE, INC. AND  
VERSATA DEVELOPMENT GROUP, INC.  
Patent Owner

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Case CBM2013-00017  
U.S. Patent No. 6,834,282

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Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and  
KEVIN F. TURNER, *Administrative Patent Judges*.

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**JOINT REQUEST TO KEEP SEPARATE**  
**PURSUANT TO 35 U.S.C. § 327(b) AND 37 C.F.R. § 42.74**

Patent Owner and Petitioner (together, “the Parties”), have reached a settlement and executed a Settlement Agreement regarding U.S. Patent No. 6,834,282 (“the ’282 Patent”), filed concurrently herewith as Exhibit 1025. The Parties jointly request that the Board treat the Settlement Agreement as business confidential information and keep it separate from the file of the involved patent.

**Statement of Precise Relief Requested**

The Parties jointly request that the Board treat the Settlement Agreement (Exhibit 1025) as business confidential information and keep it separate from the file of the involved patent, and made available only to Federal Government agencies on written request or to any person only on a showing of good cause, as provided for in 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74.

**Statement of Reasons for the Relief Requested**

The Parties have executed a Settlement Agreement regarding their disputes relating to the ’282 Patent. The Settlement Agreement addresses this Covered Business Method Review, as well as disputes regarding the ’282 Patent involved in *Versata Software, Inc., et al. v. Volusion, Inc.*, Civ. A. No. 1:12-cv-00893-SS (W.D. Tex.). The Settlement Agreement provides that the terms of the Settlement Agreement are confidential.

The Petitioner has filed, concurrently herewith, a copy of the Settlement Agreement (Exhibit 1025) with the Board, as required by 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74. Exhibit 1025 was filed in the PRPS system to provide availability to “Parties and Board Only.” The Parties jointly request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the involved patent, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).

Jointly submitted,

Dated: May 28, 2014

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**PETITIONER VOLUSION, INC.'S**  
**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
Exhibit 1001:	U.S. Patent No. 6,834,282
Exhibit 1002:	Transitional Programs for Covered Business Method Patents – Definitions of Covered Business Method Patent and Technological Invention, 77 Fed. Reg. 157 (August 14, 2012)
Exhibit 1003:	United States Patent and Trademark Office – Classification Definitions, Class 705
Exhibit 1004:	<i>A Guide to the Legislative History of the America Invents Act</i> ; Part II of II, 21 Fed. Cir. Bar. J. No. 4
Exhibit 1005:	Complaint for Patent Infringement, <i>Versata Software, Inc., et al. v. Volusion, Inc.</i> , Civil Action No. 1:12-cv-893-SS (W.D. Tex.), filed September 25, 2012
Exhibit 1006:	Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents, 77 Fed. Reg. 157 (August 14, 2012)
Exhibit 1007:	Office Patent Trial Practice Guide, 77 Fed. Reg. 157 (August 14, 2012)
Exhibit 1008:	Order Instituting Certain Business Method Patent Review, <i>SAP America, Inc. v. Versata Development Grp., Inc.</i> , CBM2012-00001, Paper No. 36
Exhibit 1009:	Order Instituting Certain Business Method Patent Review, <i>Interthinx, Inc. v. Corelogic Solutions, Inc.</i> , CBM2012-000007, Paper No. 15

Exhibit No.	Description
Exhibit 1010:	USPTO Docket No. PTO-P-2011-0087, Final Rule, Definitions of Covered Business Method Patent and Technological Invention
Exhibit 1011:	Prosecution History for U.S. Patent No. 6,834,282
Exhibit 1012:	Power of Attorney
Exhibit 1013:	Certificate of Service
Exhibit 1014:	Decision, Institution of Covered Business Method Patent Review of U.S. Patent No. 7,426,481, Case No. CBM2013-00018, Paper No. 8
Exhibit 1015:	Certificate of Service
Exhibit 1016:	Transcript of the March 10, 2014 deposition of Scott Nettles
Exhibit 1017:	Declaration of Philip Greenspun in Support of Petitioner's Reply to Patent Owner Response
Exhibit 1018:	Declaration of Philip Greenspun in Support of Petitioner's Opposition to Motion to Amend
Exhibit 1019:	Plaintiffs' Proposed Claim Constructions, <i>Versata Software, Inc., et al. v. Volusion, Inc.</i> , Civil Action No. 1:12-cv-893-SS (W.D. Tex.), served June 17, 2013
Exhibit 1020:	Greenspun Demonstrative A
Exhibit 1021:	Greenspun Demonstrative B
Exhibit 1022:	Greenspun Demonstrative C
Exhibit 1023:	Curriculum Vitae of Philip Greenspun

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