

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 Owners

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Cases CBM2013-00017 (Patent 6,834,282 B1)  
CBM2013-00018 (Patent 7,426,481 B1)

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

MEDLEY, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

On May 27, 2014, the parties informed the Board that the parties had settled the two proceedings, along with the related litigation, and that the parties sought authorization to file a joint motion to terminate the two proceedings. The following morning, the parties filed a copy of the settlement agreement, along with

CBM2013-00017 (Patent 6,834,282)

CBM2013-00018 (Patent 7,426,481)

a joint request to keep the agreement as business confidential information and to keep the agreement separate from the file of the involved patent. Paper 50; Ex. 1025.<sup>1</sup> The already-scheduled hearing took place that afternoon, May 28, 2014. During the hearing, we informed the parties that their request to file a joint motion was granted and that an order setting forth the procedure for filing such a motion would be forthcoming. This is the order.

Upon consideration of the parties' request and information, we authorize the filing of a joint motion to terminate the instant proceedings. The joint motion must include a sufficient explanation as to why termination is appropriate, especially at such a late stage when both parties already filed all of their written briefs. The joint motion also must inform the Board of the status of any litigation or proceeding, including, but not limited to, proceedings in the U.S. Patent and Trademark Office, involving either of the involved patents, and advise the Board whether any litigation or proceeding involving either of the involved patents is contemplated in the foreseeable future. Under 35 U.S.C. § 327(a), the Board has the option to terminate the proceeding with respect to Petitioner and then, with no petitioner remaining in the proceeding, proceed to a final written decision.

A joint motion to terminate ordinarily must be accompanied by a *true copy* of the settlement agreement in connection with the termination of a proceeding, as required by 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(b). The parties already have filed a copy of the settlement agreement; however, there is no representation made by the parties that the settlement agreement filed on May 28, 2014 is a *true copy*. As such, the parties must make a representation in the joint motion to terminate that the copy of the settlement agreement filed with the Board on May 28, 2014 is a *true copy* of the settlement agreement.

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<sup>1</sup> References are to CBM2013-00017.

CBM2013-00017 (Patent 6,834,282)

CBM2013-00018 (Patent 7,426,481)

It is

ORDERED that the parties are authorized to file a separate joint motion to terminate in each of the two proceedings in accordance with this order; and

FURTHER ORDERED that the joint motions are due June 6, 2014.

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