

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRULIA, INC.,
Petitioner,

v.

ZILLOW, INC.,
Patent Owner.

Case CBM2013-00056
Patent 7,970,674 B2

Before JAMESON LEE, JOSIAH C. COCKS, and MICHAEL W. KIM,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

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

Introduction

On October 7, 2014, the parties initiated a joint conference call to seek authorization to file a joint motion to terminate proceeding. The participants of the call were respective counsel for the parties, and Judges Lee, Cocks, and Kim.

The parties are authorized to file a joint motion to terminate proceeding.

Discussion

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012)*. The rule governing settlement indicates that any agreement between the parties made in connection with, or in contemplation of, the termination of a proceeding¹ shall be in writing and filed with the Board. 37 C.F.R. § 42.74.

The joint motion must include an explanation as to why termination is appropriate, preferably including an update of the status of any district court action in which Patent Owner with infringement of the involved patent, and the extent to which either party will still participate in this proceeding, if it is not terminated.

The joint motion to terminate must be accompanied by **a true copy** of the settlement agreement in connection with the termination of that proceeding, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement.

¹ A “proceeding” includes a preliminary proceeding. 37 C.F.R. § 42.2.

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With respect to having the settlement agreement treated as business confidential information under 37 C.F.R. § 42.74(c), the parties may file a separate paper requesting that the settlement agreement be treated as business confidential information as specified by 37 C.F.R. 42.74(c). Also, the parties must file the confidential settlement agreement electronically via the Patent Review Processing System (PRPS) in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"). The parties are herein directed to FAQ G2 on the Board's website page at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential.

Order

It is:

ORDERED that the parties are authorized to file a joint motion to terminate proceeding;

FURTHER ORDERED that the joint motion must be accompanied by a true copy, labeled as an exhibit, of the settlement agreement as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b);

FURTHER ORDERED that, for the exhibit that is the settlement agreement, the parties may file a separate paper requesting that the settlement agreement be treated as business confidential information as specified by 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that any confidential settlement agreement must be filed electronically via PRPS in accordance with the instructions provided on the

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Board's website (uploading as "Parties and Board Only").

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