

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRULIA, INC.,
Petitioner,

v.

ZILLOW, LLC,
Patent Owner.

Case CBM2013-00056¹
Patent 7,970,674

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

KIM, *Administrative Patent Judge.*

ORDER
Termination of Proceeding
37 C.F.R. § 42.72

On October 10, 2014, the parties filed a joint motion to terminate this *inter partes* review with respect to both Petitioner (“Trulia”) and Patent Owner (“Zillow”). Paper 42. Also on October 10, 2014, the parties filed a copy of their written settlement agreement (Ex. 1023) covering U.S. Patent No. 7,970,674 (Ex. 1001, “the ’674 patent”) involved in this covered business method patent

¹ Case CBM2014-00115 has been joined with this proceeding.

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review, and a joint request to have their settlement agreement treated as business confidential information under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).
Paper 41.

Under 35 U.S.C. § 327(a), “[a] post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The requirement for terminating review with respect to Petitioner is met.

Under 35 U.S.C. § 327(a), “[i]f no petitioner remains in the post-grant review, the Office may terminate the post-grant review or proceed to a final written decision under section 328(a).” Trulia is the sole petitioner in this review. The Board has discretion to terminate this review with respect to Zillow as Patent Owner.

In the joint motion, the parties indicate that their settlement agreement provides for dismissal of related civil litigation between Trulia and Zillow, involving the ’674 patent, in the Western District of Washington, if the Board grants the motion to terminate the proceeding. Paper 42, 2-3. The motion identifies the civil action as *Zillow, Inc. v. Trulia, Inc.*, No. 2:12-cv-01549-FLP (W.D. Wash.) *Id.* at 3.

The parties indicate that there has been no cross-examination of witnesses, and that Petitioner has not yet filed a Reply in this proceeding. *Id.* The joint motion indicates also that neither party will continue to participate in this proceeding. *Id.*

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The Board determines that in these circumstances it is appropriate to terminate review as to both Trulia and Zillow without rendering a final written decision *See* 35 U.S.C. § 327(a); 37 C.F.R. § 42.72.

It is

ORDERED that the joint motion to terminate CBM2013-00056 is *granted*, and this *inter partes* review is hereby terminated as to all parties, including Trulia as the Petitioner and Zillow as the Patent Owner; and

FURTHER ORDERED that the parties' joint request (Paper 41) to have their settlement agreement (Ex. 2001) treated as business confidential information under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c) is *granted*.

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