

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CALLIDUS SOFTWARE, INC.
Petitioner

v.

VERSATA DEVELOPMENT
GROUP, INC.
Patent Owner

AND

VERSATA SOFTWARE, INC.
Real Party-In-Interest

Case CBM2014-00117
Patent 7,908,304

**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 Reseller Agreement regarding U.S. Patent No. 7,908,304 ("the '304 Patent"). A *true copy* of the Reseller Agreement is filed concurrently herewith as Exhibit 2014.

I. **Statement of Precise Relief Requested**

The Parties jointly request that the Board treat the Reseller Agreement (Exhibit 2014) as business confidential information, 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.

II. **Statement of Reasons for the Relief Requested**

The Parties have executed a Reseller Agreement regarding their disputes relating to the '304 Patent. The Reseller Agreement addresses this covered business method review, as well as disputes regarding the '304 Patent involved in *Versata Software, Inc. et al. v. Callidus Software Inc.*, No. 1:12-cv-931-SLR (D. Del.). The Reseller Agreement provides that the terms of the Reseller Agreement are confidential.

Patent Owner has filed, concurrently herewith, a copy of the Reseller Agreement (Exhibit 2014) with the Board, as required by 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74. Exhibit 2014 was filed in the PRPS system to provide

availability to "Parties and Board Only." The Parties jointly request that the Reseller 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).

Respectfully submitted,

Date: November 19, 2014

/Kent B. Chambers/
Kent B. Chambers
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Counsel for Patent Owner

Date: November 19, 2014

/Deborah E. Fishman/
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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.105, that service was made on the Patent Owner as detailed below.

Date of service November 19, 2014

Manner of service By email upon counsel of record listed below

Document served Parties' Joint Request to Keep Separate

Persons served Deborah E. Fishman, Jeffrey A. Miller, Assad H. Rajani,
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