

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CALLIDUS SOFTWARE INC.
Petitioner

v.

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

Cases CBM2014-00117 (Patent 7,908,304 B2)
CBM2014-00118 (Patent 7,958,024 B2)¹

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

¹ This order addresses an issue that is identical in these cases. Therefore, we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers since doing so may cause confusion.

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On November 13, 2014, the parties informed the Board the parties have a written settlement agreement settling these proceedings. The parties seek authorization to file a joint motion to terminate the proceedings and to file the settlement agreement.

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 since related proceedings CBM2013-00053 and CBM2013-00054, involving the same patents, have complete records with briefing from the parties on similar issues raised in these proceedings. 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 any of the involved patents, and advise the Board whether any litigation or proceeding involving any 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). A redacted version of the settlement agreement will not be accepted as a true copy of the settlement agreement. Any request that the agreement be treated as business confidential information and be kept separate from the files of the involved patent must be filed

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with the settlement agreement. 37 C.F.R. § 42.74(c). The parties are 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 (*e.g.*, uploading as "Parties and Board Only").

The joint motion to terminate and the settlement agreement shall be filed no later than November 19, 2014.

It is

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

FURTHER ORDERED that the joint motions are due November 19, 2014.

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