

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION
Petitioner,

v.

CLOUDING IP, LLC
Patent Owner.

IPR2013-00073 (Pat. 6,738,799)	IPR2013-00098 (Pat. 6,918,014)
IPR2013-00075 (Pat. 6,925,481)	IPR2013-00099 (Pat. 7,065,637)
IPR2013-00088 (Pat. 7,254,621)	IPR2013-00100 (Pat. 5,825,891)
IPR2013-00089 (Pat. 6,631,449)	IPR2013-00260 (Pat. 5,825,891)
IPR2013-00090 (Pat. 5,495,607)	IPR2013-00261 (Pat. 6,738,799)
IPR2013-00091 (Pat. 5,678,042)	IPR2013-00271 (Pat. 5,495,607)
IPR2013-00094 (Pat. 7,596,784)	IPR2013-00273 (Pat. 7,065,637)
IPR2013-00095 (Pat. 5,944,839)	IPR2013-00304 (Pat. 5,944,839)
IPR2013-00321 (Pat. 6,631,449) (JL) ¹	

Before JAMESON LEE, JONI Y. CHANG, and RAMA G. ELLURU,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

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

¹ The parties are not authorized to use this combined heading in any paper.

IPR2013-00073, IPR2013-00090, IPR2013-00098, IPR2013-00261,
IPR2013-00075, IPR2013-00091, IPR2013-00099, IPR2013-00271,
IPR2013-00088, IPR2013-00094, IPR2013-00100, IPR2013-00273,
IPR2013-00089, IPR2013-00095, IPR2013-00260, IPR2013-00304,
IPR2013-00321

On July 11, 2013, a telephone conference call was held between respective counsel for the parties and Judges Lee, Chang, and Elluru. The parties sought authorization to file a joint motion to terminate each of the proceedings identified in the caption above, on the basis that the parties have settled.

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. 48756, 48768 (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 proceeding² shall be in writing and filed with the Board. 37 C.F.R. § 42.74.

During the conference call, the parties sought guidance as to the procedure for filing their settlement agreement and to have the settlement agreement be treated as business confidential information under 37 C.F.R. § 42.74(c).

The Board indicated that the filing of a joint motion to terminate each of the above-identified proceedings is authorized. In that regard, a separate joint motion should be filed in each proceeding, which motion should address only the proceeding in which the motion is filed. The joint motion in each proceeding must include a brief explanation as to why termination is appropriate in that proceeding, including identification of any codefendants in any related district court action in which infringement of an involved patent in that proceeding has been alleged.

² A “proceeding” includes a preliminary proceeding. 37 C.F.R. § 42.2.

IPR2013-00073, IPR2013-00090, IPR2013-00098, IPR2013-00261,
IPR2013-00075, IPR2013-00091, IPR2013-00099, IPR2013-00271,
IPR2013-00088, IPR2013-00094, IPR2013-00100, IPR2013-00273,
IPR2013-00089, IPR2013-00095, IPR2013-00260, IPR2013-00304,
IPR2013-00321

The joint motion to terminate, to be filed in each proceeding, 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.

With respect to having the settlement agreement treated as business confidential information under 37 C.F.R. § 42.74(c), the Board noted that 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 were also 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.

Accordingly, it is:

ORDERED that the parties are authorized to file a separate joint motion to terminate proceeding in each of the 17 proceedings identified in the caption of this communication;

FURTHER ORDERED that the joint motions are due July 19, 2013;

FURTHER ORDERED that the joint motions 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);

IPR2013-00073, IPR2013-00090, IPR2013-00098, IPR2013-00261,
IPR2013-00075, IPR2013-00091, IPR2013-00099, IPR2013-00271,
IPR2013-00088, IPR2013-00094, IPR2013-00100, IPR2013-00273,
IPR2013-00089, IPR2013-00095, IPR2013-00260, IPR2013-00304,
IPR2013-00321

FURTHER ORDERED that, for the exhibit that is the settlement agreement filed in each proceeding, the parties may file a separate paper in that proceeding 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 Board's website (uploading as "Parties and Board Only").

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IPR2013-00089, IPR2013-00095, IPR2013-00260, IPR2013-00304,
IPR2013-00321

PETITIONER:

Greg Gardella
Scott A. McKeown
OBLON SPIVAK
cpdocketgardella@oblon.com
cpdocketmckeown@oblon.com

PATENT OWNER:

Tarek N. Fahmi
Amy J. Embert
Fahmi, Sellers & Embert
tarek.fahmi@fseip.com
amy.embert@fseip.com