

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SERVICENOW, INC.,
Petitioner,

v.

HEWLETT PACKARD ENTERPRISE CO.,¹
Patent Owner.

Case IPR2015-00523 (Patent 6,321,229 B1)
Case IPR2015-00631 (Patent 7,392,300 B2)
Case IPR2015-00717 (Patent 7,027,411 B1)
Case IPR2015-00718 (Patent 8,224,683 B2)

Before JUSTIN BUSCH, RAMA G. ELLURU, JAMES B. ARPIN,
CHRISTOPHER L. CRUMBLEY, BARBARA A. PARVIS, JO-ANNE M.
KOKOSKI, and SCOTT C. MOORE, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

JUDGMENT

Termination Pursuant to Settlement

35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.5, 42.71–42.74

¹ On November 24, 2015, and November 25, 2015, counsel for Patent Owner filed updated Mandatory Notices informing the Board that Hewlett Packard Enterprise Company had obtained the entire right, title, and interest in the patents at issue from Hewlett-Packard Company, the previously-named Patent Owner in these proceedings. *E.g.*, IPR2015-00523, Paper 27, 2. We have updated the caption of these proceedings accordingly.

IPR2015-00523 (Patent 6,321,229 B1)
IPR2015-00631 (Patent 7,392,300 B2)
IPR2015-00717 (Patent 7,027,411 B1)
IPR2015-00718 (Patent 8,224,683 B2)

On March 10, 2016, Petitioner, ServiceNow, Inc., and Patent Owner, Hewlett-Packard Enterprise, Co., filed a Joint Motion to Terminate in each of the proceedings identified in the caption of this Judgment. IPR2015-00523, Paper 33; IPR2015-00631, Paper 24; IPR2015-00717, Paper 26; IPR2015-00718, Paper 22. In each proceeding, along with the Joint Motion, the parties filed a copy of their Settlement Agreement, made in connection with the termination of these proceedings and the related district court proceedings, in accordance with 37 C.F.R. § 42.74(b). IPR2015-00523, Ex. 2005; IPR2015-00631, Ex. 2014; IPR2015-00717, Ex. 2008; IPR2015-00718, Ex. 2006. In each proceeding, the parties submitted a Joint Motion requesting that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patents at issue (IPR2015-00523 - U.S. Patent No. 6,321,229 B1; IPR2015-00631 - U.S. Patent No. 7,392,300; IPR2015-00717 - U.S. Patent No. 7,027,411 B1; and IPR2015-00718 - U.S. Patent No. 8,224,683 B2), under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2015-00523, Paper 32; IPR2015-00631, Paper 25; IPR2015-00717, Paper 27; IPR2015-00718, Paper 23.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. In their Joint Motion to Terminate, the parties indicate that the Settlement Agreement resolves all disputes between them involving the patents-at-issue in these proceedings. *See, e.g.*, IPR2015-00523, Paper 33, 2. Upon consideration of the facts before us, we determine that it is appropriate to terminate these proceedings and enter judgment,

IPR2015-00523 (Patent 6,321,229 B1)
IPR2015-00631 (Patent 7,392,300 B2)
IPR2015-00717 (Patent 7,027,411 B1)
IPR2015-00718 (Patent 8,224,683 B2)

without rendering a final written decision. *See* 37 C.F.R. §§ 42.5(a), 42.71(a), 42.73(a), 42.74. Accordingly, we grant the Joint Motion to Terminate in each proceeding.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement Agreement treated as business confidential information and kept separate from the files of the patents at issue in these proceedings. Thus, we grant the Joint Motion to treat the Settlement Agreement as business confidential in each proceeding.

ORDER

For the foregoing reasons, it is:

ORDERED that the Joint Motion to Treat Written Settlement Agreement Filed as Exhibit 2005 as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (IPR2015-00523, Paper 32) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317(a) (IPR2015-00523, Paper 33) is *granted* and IPR2015-00523 is terminated with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Motion to Treat Written Settlement Agreement Filed as Exhibit 2014 as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (IPR2015-00631, Paper 25) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317(a) (IPR2015-00631, Paper 24) is *granted* and

IPR2015-00523 (Patent 6,321,229 B1)
IPR2015-00631 (Patent 7,392,300 B2)
IPR2015-00717 (Patent 7,027,411 B1)
IPR2015-00718 (Patent 8,224,683 B2)

IPR2015-00631 is terminated with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Motion to Treat Written Settlement Agreement Filed as Exhibit 2008 as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (IPR2015-00717, Paper 27) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317(a) (IPR2015-00717, Paper 26) is *granted* and IPR2015-00717 is terminated with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Motion to Treat Written Settlement Agreement Filed as Exhibit 2006 as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) (IPR2015-00718, Paper 23) is *granted*; and

FURTHER ORDERED that the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317(a) (IPR2015-00718, Paper 22) is *granted* and IPR2015-00718 is terminated with respect to both Petitioner and Patent Owner.

IPR2015-00523 (Patent 6,321,229 B1)
IPR2015-00631 (Patent 7,392,300 B2)
IPR2015-00717 (Patent 7,027,411 B1)
IPR2015-00718 (Patent 8,224,683 B2)

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