

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES, INC.
Petitioner

v.

YODLEE, INC.
Patent Owner

Case No. IPR2016-00273
U.S. Patent No. 6,317,783

JOINT MOTION TO TERMINATE PROCEEDING UNDER 35 U.S.C. § 317

Pursuant to 35 U.S.C. § 317(a), the Petitioner, Plaid Technologies, Inc., and Patent Owner, Yodlee, Inc., (collectively, “Parties”) hereby jointly move for an order terminating the *inter partes* review, subject to the terms of the Settlement Agreement, dated January 31, 2017, entered into by the Parties.

The IPR Proceeding relates to a petition for *Inter Partes* Review filed December 2 ,2015, directed to U.S. Patent No. 6,317,783 (the “’783 Patent”), and assigned Proceeding Number IPR2016-00273. Patent Owner filed a Preliminary Response on March 11, 2016. (Paper No. 8.) The PTAB instituted trial on June 8, 2016. (Paper No. 10.)

The Parties have settled their dispute, and have reached agreement to terminate this IPR Proceeding. The Parties’ Settlement Agreement has been made in writing, and a copy of same is being filed concurrently herewith as an Exhibit. There are no other agreements relating to the proceeding.

In addition, the Parties desire that the Settlement Agreement be maintained as business confidential information under 37 C.F.R. § 42.74(c), and a separate joint request to that effect is being filed concurrently herewith.

As stated in 35 U.S.C. § 317(a), because Petitioner and Patent Owner jointly request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach to Petitioner.

1. Reasons Why Termination Is Appropriate

Termination is proper under 35 U.S.C. § 317(a) because the Parties are jointly requesting termination, and the Office has not yet “decided the merits of the proceeding before the request for termination is filed.” As noted in the Patent Office Trial Practice Guidelines, “there are strong public policy reasons to favor settlement between the parties to a proceedingThe Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. 35 U.S.C. 317(a), as amended, and 35 U.S.C. 327.”¹ Accordingly, termination is appropriate here.

2. Status of Related District Court Litigation

The litigation styled *Yodlee, Inc. v. Plaid Technologies, Inc.*, Case Number 14-1445-LPS-CJB, District of Delaware has settled and been dismissed.

3. Related PTAB Proceedings

The Parties are also involved in the following PTAB proceedings, and pursuant to the Settlement Agreement, shall submit a joint motion to terminate each of these proceedings as well:

Case Number	Patent Number
CBM2016-00056	6,510,451
CBM2016-00088	7,752,535
CBM2016-00089	8,266,515

¹ See Federal Register Vol. 77, No. 157 at 48768.

For the foregoing reasons, the Parties jointly request termination of Case IPR2016-00273.

Respectfully submitted,

Date: February 7, 2017

/David L. Cavanaugh/
David Cavanaugh (Reg. No. 36,476),
for Petitioner, Plaid Technologies,
Inc.

Date: February 7, 2017

/David Hoffman/
David Hoffman (Reg. No. 54,174),
for Patent Owner, Yodlee, Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on February 7, 2017, a complete and entire copy of this Patent Owner Yodlee Inc.'s Joint Motion to Terminate Proceeding was provided via electronic service, to the Petitioner by serving the correspondence address of record as follows:

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