

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROOFPOINT, INC., and AMORIZE TECHNOLOGIES, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00937 (Patent 8,141,154 B2)
Case IPR2016-00966 (Patent 7,647,633 B2)
Case IPR2016-00967 (Patent 8,225,408 B2)
Case IPR2016-00970 (Patent 8,225,408 B2)

Before THOMAS L GIANNETTI, MIRIAM L. QUINN, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.72

IPR2016-00937 (Patent 8,141,154 B2)
IPR2016-00966 (Patent 7,647,633 B2)
IPR2016-00967 (Patent 8,225,408 B2)
IPR2016-00970 (Patent 8,225,408 B2)

On June 16, 2016, the parties filed a joint motion to terminate each of the instant proceedings pursuant to a settlement agreement. Paper 8.¹ The parties also filed a true copy of their written settlement agreement, made in connection with the termination of the instant proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Exhibit 1041. Additionally, the parties submitted a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 9.

The instant proceedings are in the preliminary stage. The Board has not decided whether trial will be instituted or whether the pending motions for joinder will be granted. Further, the deadline to file a patent owner response is almost a month away. The parties submit that termination is appropriate because the parties have settled their dispute, and the Board has not reached the merits of the proceedings. Paper 8, 2 and n.2.

Upon consideration of the requests before us, we determine that terminating the instant proceedings with respect to both Petitioner and Patent Owner, at this early juncture, promotes efficiency, conserves Board resources, and minimizes unnecessary costs. Based on the present facts and circumstances, it is appropriate to enter judgment.² *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72.

¹ We refer throughout this order to the papers filed in IPR2016-00937, as the filings are identical in all of the captioned proceedings.

² A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

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Accordingly, it is:

ORDERED that the joint motions to terminate IPR2016-00937, IPR2016-00966, IPR2016-00967, and IPR2016-00970 are *granted*;

FURTHER ORDERED that the instant proceedings are hereby *terminated* as to all parties, including Petitioner and Patent Owner; and

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*.

IPR2016-00937 (Patent 8,141,154 B2)
IPR2016-00966 (Patent 7,647,633 B2)
IPR2016-00967 (Patent 8,225,408 B2)
IPR2016-00970 (Patent 8,225,408 B2)

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