

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

PROXYCONN, INC.,
Patent Owner

Case IPR2017-00261
Patent 6,757,717 B1

Filed: May 11, 2017

JOINT MOTION TO TERMINATE

IPR2017-00261
Patent 6,757,717

LIST OF EXHIBITS PURSUANT TO 37 C.F.R. § 42.63(e)

EX. NO:	EXHIBIT DESCRIPTION
1024	Confidential Settlement Agreement

Pursuant to authorization provided by the Board during the May 5, 2017, conference call and the follow-up email of the same date, Petitioner Microsoft Corporation and Patent Owner Proxyconn, Inc. (the “Parties”) jointly move for termination of this proceeding, without prejudice to either Party.

Termination is appropriate because the parties have reached settlement on all claims in the underlying litigation and do not contemplate any further litigation or controversy involving the challenged patent. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, the parties submit as Exhibit 1024 a copy of the signed Confidential Settlement Agreement between the parties. On April 25, 2017, the district court dismissed the underlying litigation without prejudice, retaining jurisdiction for thirty (30) days to reopen the action upon showing of good cause that the settlement has not been consummated.

The Board has not instituted trial, does not have before it full briefing on the trial issues, and has not entered a final decision. Although *inter partes* review has not been instituted, the other requirements of 35 U.S.C. § 317(a) are satisfied here. Accordingly, it is appropriate to enter judgment terminating this proceeding, prior to issuance of an institution decision.

Simultaneous with this motion, the parties file a joint motion to treat the settlement agreement as business confidential information, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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Dated: May 11, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE PURSUANT TO 37 C.F.R. § 42.6(e)(4)

The undersigned certifies that a complete copy of the Joint Motion to Terminate was served on May 11, 2017, by delivering a copy via electronic mail upon the following attorneys of record for the Patent Owner:

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