

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLOOMREACH, INC.,
Petitioner,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

IPR2019-01304
Patent 7,231,379 B2

Before MIRIAM L. QUINN, KIMBERLY McGRAW, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. § 42.71(a), 42.72, 42.74

On February 19, 2020, the parties contacted the Board by email to request authorization to file a joint motion to terminate this proceeding pursuant to a settlement agreement and a joint request to keep the settlement agreement confidential. In an email sent on February 20, 2020, the Board authorized the parties to file motions to terminate the above-captioned proceeding and a request to keep the settlement agreement confidential.

On February 21, 2020, the parties filed a Joint Motion to Terminate. Paper 13. The parties concurrently filed a joint request to treat the settlement agreement as business confidential information, and for it to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 14), along with a copy of the written settlement agreement (Ex. 1029). The parties represent that Exhibit 1029 is a true and accurate copy of their settlement agreement. Paper 13, 2.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties to the proceeding and unless the Board has already decided the merits of the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties filed such a settlement agreement. Ex. 1029. Moreover, this proceeding is at a preliminary stage and the merits have not yet been decided. Under these circumstances, we determine that it is appropriate to terminate this proceeding.

After reviewing the parties' settlement agreement, we find that the settlement agreement contains business confidential information regarding terms of the settlement and good cause exists to treat the settlement agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

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Accordingly, it is

ORDERED that the Motion to terminate IPR2019-01304 (Paper 13) as to both Petitioner and Patent Owner is *granted*;

FURTHER ORDERED that the joint request (Paper 14) to treat the parties' settlement agreement (Ex. 1029) as business confidential information under 37 C.F.R. § 42.74(c), and for it to be kept separate from the patent file in the above-captioned proceeding, is *granted*; and

FURTHER ORDERED that the Petition is dismissed under 37 C.F.R. § 42.71(a), and this proceeding is *terminated* with respect to both Petitioner and Patent Owner.

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