

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Oracle Corp.,
Petitioner,

v.

Guada Technologies LLC,
Patent Owner.

Case IPR2020-00598
Patent No. 7,231,379

**JOINT MOTION TO TERMINATE
INTER PARTES REVIEW OF U.S. PATENT 7,231,379
UNDER 37 C.F.R. § 42.72**

Pursuant to 37 C.F.R. § 42.72, Petitioner Oracle Corp. and Patent

Owner Guada Technologies LLC jointly request dismissal and termination of the petition for Inter Partes Review of U.S. Patent 7,231,379 in IPR2020-00598.

Petitioner and Patent Owner have entered into a written confidential settlement agreement that fully resolves this matter. The parties are concurrently filing a copy of the settlement agreement as EX 1027 along with a request to treat it as confidential business information pursuant to 35 U.S.C. § 317(b). The undersigned represent that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding and that EX 1027 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On May 22, 2020, the parties informed the Board of the settlement via e-mail and requested authorization to file a joint motion to terminate the petition with respect to both the Patent Owner and the Petitioner. As set forth in an e-mail dated May 28, 2020, the Board authorized the filing of the requested joint motion to terminate this petition. Accordingly, Petitioner and Patent Owner jointly request termination of the present proceeding.

Public policy favors terminating the present petition for inter partes review. Congress and federal courts have expressed a strong interest in encouraging settlement in litigation. See, e.g., *Delta Air Lines, Inc. v. August*,

450 U.S. 346, 352 (1981) (“The purpose of [Fed. R. Civ. P.] 68 is to encourage the settlement of litigation.”); *Bergh v. Dept. of Transp.*, 794 F.2d 1575, 1577 (Fed. Cir. 1986) (“The law favors settlement of cases.”), cert. denied, 479 U.S. 950 (1986). The Federal Circuit places a particularly strong emphasis on settlement. See *Cheyenne River Sioux Tribe v. U.S.*, 806 F.2d 1046, 1050 (Fed. Cir. 1986) (noting that the law favors settlement to reduce antagonism and hostility between parties). And, the Board’s Trial Practice Guide stresses that “[t]here are strong public policy reasons to favor settlement between the parties to a proceeding.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 46,768 (Aug. 14, 2012).

Ending this petition for IPR early promotes the Congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs. See *Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*, 77 Fed. Reg. 48,680 (Aug. 14, 2012). Permitting termination provides certainty and fosters an environment that promotes settlements, creating a timely, cost-effective alternative to litigation.

Additionally, termination of this petition for IPR is appropriate as the Board has not yet “decided the merits of the proceeding.” See, e.g., Office

Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012).

Petitioner filed its petition for inter partes review on February 19, 2020 and filed Petitioner's Motion For Joinder on February 20, 2020 seeking to join IPR 2020-01304. The Board has not yet ruled on Petitioner's Motion For Joinder. IPR 2020-01304 was terminated on March 25, 2020.

The parties have now settled their dispute and have reached agreement to terminate this proceeding. The USPTO can conserve its resources through terminating now, removing the need for the Board to further consider the arguments and to render a Final Written Decision.

There are no other pending USPTO proceedings regarding the patent-at-issue. Therefore, the Parties respectfully request termination of this Inter Partes Review of U.S. Patent 7,231,379 (IPR2020-00598).

Dated: May 29, 2020

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