

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SALESFORCE.COM, INC.,
Petitioner,

v.

VIRTUALAGILITY, INC.,
Patent Owner.

Case CBM2013-00024
Patent 8,095,413 B1

Before JAMESON LEE, GEORGIANNA W. BRADEN, and
CHRISTOPHER KAISER, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Conduct of Proceedings
37 C.F.R. § 42.5

On November 14, 2014, a conference call was held among respective counsel for the parties and Judges Lee, Braden, and Kaiser. The parties sought guidance with respect to what, if anything, they need to do if they have settled this proceeding between themselves. The posture of this proceeding is that on September 16, 2014, we issued a Final Written Decision. Paper 47. Counsel for Patent Owner indicated that, despite settlement between the parties, Patent Owner intends to file a Notice of Appeal to the Court of Appeals for the Federal Circuit.

We directed attention of the parties to 37 C.F.R. § 42.74(b), which pertains to the filing of a true copy of a written document that sets forth an agreement or understanding between the parties in contemplation of or in connection with the termination of a proceeding. Mere entry of a final written decision does not appear to terminate the proceeding, because an appeal may be taken, as is intended by the Patent Owner, to the Court of Appeals for the Federal Circuit. We need not and do not, however, make that ruling at this time.

It is

ORDERED that the parties shall comply with the requirements of 37 C.F.R. § 42.74(b).

Case CBM2013-00024
Patent 8,095,413 B1

For PETITIONER:

Michael Rosato

Brian Range

Jose Villarreal

mrosato@wsgr.com

brange@wsgr.com

jvillarreal@wsgr.com

For PATENT OWNER:

Gregory Gonsalves

Jay Kesan

gonsalves@gonsalveslawfirm.com

jay@jaykesan.com