

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SALESFORCE.COM, INC.  
Petitioner

v.

VIRTUALAGILITY, INC.  
Patent Owner

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Case CBM2014-00181  
Patent 8,095,413

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

BRADEN, *Administrative Patent Judge*.

ORDER  
Termination of the Proceedings  
*37 C.F.R. § 42.72*

On November 7, 2014, pursuant to 35 U.S.C. § 327(a), the parties filed a Joint Motion to terminate this proceeding. Paper 8 (“Joint Motion”). Accompanying the Joint Motion, the parties filed a true copy of a Settlement Agreement resolving their dispute along with a Joint Request to treat the Settlement Agreement as business confidential, to be kept separate from the patent file under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74. Ex. 1011; Paper 9 (“Joint Request”). We authorized the filing of these papers.

This proceeding is still in its preliminary stages. Other than the pending Joint Motion and Joint Request, no significant activity has occurred since the filing of the Petition on August 27, 2014. Paper 3. A preliminary response to the Petition, due on December 4, 2014, was not filed by Patent Owner, and trial has not been instituted yet. Based on the facts of this case, it is appropriate to terminate this proceeding without rendering a final written decision. 37 C.F.R. § 42.72. Therefore, the Joint Motion is granted.

Both parties request that the Settlement Agreement be kept separate and treated as business confidential information under 37 C.F.R. § 42.74(b). Joint Request, 2. The Joint Request was filed along with the Settlement Agreement, and both were filed before termination of the proceeding. *Id.* Accordingly, the Joint Request is granted. Pursuant to 37 C.F.R. § 42.74(c), the Settlement Agreement “shall only be available (1) [t]o a Government agency on written request to the Board; or (2) [t]o any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in [37 C.F.R. § 42.15(d)] and on a showing of good cause.”

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Accordingly, it is

ORDERED that the parties' joint request that the settlement agreement (Ex. 1011) be treated as business confidential information, to be kept separate from the file of U.S. Patent No. 8,095,413 is *granted*;

FURTHER ORDERED that the Settlement Agreement (Ex. 1011) shall be made available only pursuant to the provisions of 37 C.F.R. § 42.74(c).

FURTHER ORDERED that the joint motion to terminate the proceeding is *granted*; and

FURTHER ORDERED that the proceeding is terminated.

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