

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZSCALER, INC.
Petitioner

v.

SYMANTEC CORPORATION,
Patent Owner.

Case IPR2018-00137
Patent No. 7,203,959

UNOPPOSED MOTION TO DISMISS IPR2018-00137 PRE-INSTITUTION

I. INTRODUCTION

Petitioner Zscaler, Inc. moves to dismiss its IPR petition and terminate IPR2018-00137 regarding U.S. Patent No. 7,203,959 (“the ’959 patent”), as authorized by the Board on April 16, 2018. This motion is being made pre-institution. Patent Owner Symantec Corporation does not oppose this motion.

II. DISCUSSION

A. Present IPR proceeding

IPR2018-00137 is in its preliminary phase. Petitioner filed its Petition for *inter partes* review of the ’959 patent on October 30, 2017 (Paper No. 1). Patent Owner filed its Preliminary Response on February 14, 2018 (Paper No. 7). The Board has yet to reach the merits and issue a decision on institution.

B. Related litigation

The ’959 patent is one of seven patents asserted by Patent Owner against Petitioner in a related litigation captioned *Symantec Corp. v. Zscaler, Inc.*, Case No. 17-cv-04426 (N.D. Cal.). That litigation remains pending in district court. On March 23, 2018, the district court granted Petitioner’s motion to dismiss the ’959 patent under 35 U.S.C. § 101. The ’959 patent therefore is no longer at issue in the related litigation.

C. Requested relief

There is no final settlement agreement between the parties. As to the '959 patent, however, there is no pending dispute between Petitioner and Patent Owner in the related litigation. As a result, Petitioner has proposed, and Patent Owner has agreed, not to expend further effort and resources on this proceeding. Accordingly, Patent Owner requests that the Board to dismiss the petition and terminate IPR2018-00137 to preserve both the Board's and the parties' resources, and to achieve an efficient and inexpensive resolution to this proceeding.

III. CONCLUSION

Petitioner respectfully requests that the Board dismiss Petitioner's pending IPR petition and terminate IPR2018-00137.

April 18, 2018

Respectfully submitted,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 18, 2018, a copy of the foregoing Motion to Terminate *Inter Partes* Review was served on the Patent Owner by email at the following email addresses:

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