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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

**SYNCRO SOFT SRL**  
Petitioner,

v.

**ALTOVA GMBH**  
Patent Owner.

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*Inter Partes* Review Case No. IPR2018-00660

Patent 9,501,456

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**JOINT MOTION TO TERMINATE PROCEEDINGS**

**PURSUANT TO 35 U.S.C. § 317(a) AND**

**JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED AS**

**BUSINESS CONFIDENTIAL INFORMATION AND KEPT SEPARATE**

**PURSUANT TO 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74**

## **I. SUMMARY:**

Pursuant to 35 U.S.C. § 317(a), Petitioner SYNCRO SOFT SRL and Patent Owner ALTOVA GMBH (collectively, “the Parties”) jointly request termination of IPR2018-00660 which is directed to U.S. Patent No. 9,501,456 (the ’456 Patent). The Parties have settled all of their disputes involving the ’456 Patent. More specifically the Parties have agreed to settle and terminate the present *Inter Partes* review proceeding as well as the related district court litigation (*Altova GmbH et al v. Syncro Soft SRL*, case number 1:17-cv-11642, Massachusetts District Court). Pursuant to 37 C.F.R. § 42.74(b), the settlement agreement made in contemplation of termination of this proceeding is in writing, and true and correct copies of such are filed as Exhibit 2001. No other such agreements, written or oral, exist between or among the parties. The Parties jointly request that the settlement agreement be treated as business confidential information and kept separate pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

## **I. BACKGROUND:**

On August 31, 2017, ALTOVA GMBH filed suit against SYNCRO SOFT SRL in district court (*Altova GmbH et al. v. Syncro Soft SRL*, case number 1:17-cv-11642, Massachusetts District Court) alleging infringement of claims of the ’456 Patent.

On February 16, 2018, SYNCRO SOFT SRL filed a request for *Inter Partes* Review of claims 1-12 of the '456 Patent (see Paper 1). The Board instituted IPR2018-00660 on September 5, 2018 (Paper 6). No discovery or briefing has taken place since institution.

The Parties have engaged in settlement discussions relating to termination of all disputes involving the '456 Patent. On December 5, 2018, the Parties agreed to a joint stipulation extending Due Date 1 of the Scheduling Order (Paper 7) so as to allow additional time for the Parties to finalize an agreement to terminate the proceedings under 35 U.S.C. § 317. On January 28, 2019, the Parties completed execution of a settlement agreement (effective January 23, 2019) (Ex. 2001) relating to the termination of all disputes involving the '456 Patent including termination of the present proceeding and termination of the district court litigation.

Patent Owner informed the Board on January 28, 2019 of the settlement and requested authorization to file a joint motion to terminate the proceeding with respect to both Petitioner and Patent Owner. Patent Owner further requested authorization to jointly request treatment of the settlement as business confidential information. On January 29, 2019, the Board authorized the filing of the requested joint motion to terminate this proceeding as to both Parties including the joint

request that the settlement agreement be treated as business confidential information and kept separate.

## **II. TERMINATION IS APPROPRIATE:**

Termination of this proceeding is appropriate under 35 U.S.C. § 317(a) as the Board has not yet “decided the merits of the proceeding.” As noted above, no discovery or briefing has taken place since institution and Patent Owner has yet to file a response 35 U.S.C. § 317(a)(8). Furthermore, no dispute remains between Petitioner and Patent Owner involving the ’456 Patent since the Parties have agreed to jointly request termination of the present proceeding (IPR2018-00660) and the litigation between the Parties involving the ’456 Patent (*Altova GmbH et al v. Syncro Soft SRL*, case number 1:17-cv-11642, Massachusetts District Court) will be dismissed as part of the settlement.

## **III. STATUS OF RELATED LITIGATION:**

As noted above, the related district court litigation (*Altova GmbH et al v. Syncro Soft SRL*, case number 1:17-cv-11642, Massachusetts District Court) between Petitioner and Patent Owner has been settled and will be dismissed.

## **IV. REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION:**

Petitioner and Patent Owner hereby jointly request that the settlement agreement (including any related attachments) filed as Exhibit 2001 be treated

as business confidential information, be kept separate from the file of IPR2018-00660, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). In view of that request the settlement agreement has been filed for access by the “Parties and Board Only.”

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