

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WOMBAT SECURITY TECHNOLOGIES, INC.,
Petitioner,

v.

PHISHME, INC.,
Patent Owner.

Case PGR2017-00050
Patent 9,674,221 B1

Before JONI Y. CHANG, JENNIFER S. BISK, and AMBER L. HAGY,
Administrative Patent Judges.

BISK, *Administrative Patent Judge.*

DECISION
Granting Joint Motion to Terminate Proceeding
37 C.F.R. §§ 42.72

I. DISCUSSION

On December 4, 2017, the parties filed a Joint Motion to Terminate this proceeding. Paper 6. The parties also filed a motion to keep the simultaneously filed settlement agreement, Exhibit 2001 (designated as “Parties and Board Only”), as business confidential information under 37 C.F.R. § 42.74(c). Paper 7.

This proceeding is still in its preliminary stages. Petitioner, Wombat Security Technologies, Inc., filed a Petition requesting post grant review of several claims of U.S. Patent No. 9,674,221 B1 (the “’221 patent”). Paper 2. Patent Owner, PhishMe, Inc., has not yet filed a Preliminary Response. We have not entered a decision on whether to institute a post grant review.

In the Joint Motion to Terminate, the parties indicate that they have settled their dispute regarding the ’221 patent in the related district court litigation. Paper 6, 2–3. They also represent that “[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this post grant review.” *Id.* at 2. Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate Proceeding is *granted*, and
FURTHER ORDERED that the joint request that the settlement agreement (Ex. 2001) be treated as business confidential information and be kept separate from the file of the involved patents under the provisions of 37 C.F.R. § 42.74(c), is *granted*.

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For PETITIONER:

Mark G. Knedeisen
Patrick J. McElhinny
Lauren S. Murray
K&L GATES, LLP
mark.knadeisen@klgates.com
patrick.mcelhinny@klgates.com
lauren.murray@klgates.com

For PATENT OWNER:

Mehran Arjomand
Erol C. Basol
MORRISON & FOERSTER LLP
marjomand@mofocom
ebasol@mofocom