

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORTINET, INC.,
Petitioner,

v.

SOPHOS INC.,
Patent Owner.

Case IPR2015-00618
Patent 8,261,344 B2

Before BRYAN F. MOORE, PETER P. CHEN, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION
Joint Motion to Terminate
37 C.F.R. § 42.74

On December 14, 2015, the parties filed a Joint Motion to Terminate this proceeding. Paper 20. The parties represent that “the grant of this motion will result in the termination of this *inter partes* review.” *Id.*

With their Motion to Terminate, the parties filed as Exhibit 2010 what they represent is “a true copy” of their written agreement. *Id.* Although the Motion to Terminate refers to a “Settlement and License Agreement,” the parties clarified in an e-mail to the Board on January 26, 2016, that no license agreement or license terms between the parties exist. In a concurrently filed Joint Request to Maintain Confidentiality, the parties request that the agreement be treated as business confidential information and be kept separate from the file of the involved patent. Paper 21.

This proceeding is in an appropriate stage for termination. The Board instituted trial on August 13, 2015, the oral hearing has not occurred, and no motions are pending. Under these circumstances, we determine that it is appropriate to terminate this proceeding. The Joint Request to Maintain Confidentiality is also granted.

Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted*; and

FURTHER ORDERED that the agreement (Ex. 2010) be treated as business confidential information and be kept separate from the file of the involved patent, under 37 C.F.R. § 42.74(c), and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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