

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION
Petitioner

v.

FINANCIAL SYSTEMS TECHNOLOGY
(INTELLECTUAL PROPERTY) PTY. LTD.
Patent Owner

Case IPR2013-00078
Patent RE40,526

Before SALLY C. MEDLEY, KARL D. EASTHOM, and STEPHEN C.
SIU, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On February 8, 2013, and pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, the parties filed a copy of a settlement agreement along with a joint request to treat the settlement agreement as business confidential, to be kept

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separate from the patent file. In addition, the parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317.

This case is in the preliminary proceeding¹ stage; no institution of a trial has been made. Based on the facts of this case, it is appropriate to enter judgment.² Therefore, the joint motion to terminate the proceeding is GRANTED.

Accordingly, it is

ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file is GRANTED; and

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

FURTHER ORDERED that the proceeding is TERMINATED.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

² A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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