

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

C4CAST.COM, INC.,
Patent Owner.

Case CBM2015-00065
Patent 7,958,204 B1

Before JAMESON LEE, JAMES P. CALVE, and
CHARLES J. BOUDREAU, Administrative Patent Judges.

BOUDREAU, *Administrative Patent Judge.*

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.72

On April 1, 2015, Petitioner Amazon.com, Inc. (“Amazon”) and Patent Owner c4cast.com, Inc. (“c4cast”) (collectively, “the parties”) filed a Revised Joint Motion (Paper 9) to terminate this proceeding pursuant to 37 C.F.R. § 42.72.

In the Revised Joint Motion, the parties represent that termination of this proceeding is appropriate because the parties have agreed to end their pending disputes concerning the involved patent, U.S. Patent No. 7,958,204 B1. Paper 9, 1. According to the Revised Joint Motion, the parties jointly filed a Stipulated Motion for Dismissal (Ex. AMAZ-1016) on January 23, 2015, seeking to dismiss all claims in the related district court action, *c4cast.com, Inc. v. Amazon.com, Inc.*, No. 2:14-cv-00484 (E.D. Tex.) (consolidated under *c4cast.com, Inc. v. Barnes & Noble, Inc., et al.*, No. 2:14-cv-489-JRG-RSP (E.D. Tex.)), and that, as a result of that Stipulated Motion for Dismissal, the Court in that action entered an Order (Ex. AMAZ-1017) on January 31, 2015, dismissing all claims asserted by c4cast against Amazon with prejudice and dismissing all counterclaims asserted by Amazon against c4cast without prejudice. Paper 9, 1–2. The parties additionally identified in the Revised Joint Motion twenty-six other district court proceedings concerning the ’204 patent and indicated that all such proceedings have been dismissed. *Id.* at 3–5. The parties represent that there are currently no other district court proceedings or Board proceedings involving the ’204 patent. *Id.* at 5.

Under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.” In the Revised Joint Motion,

the parties represent that they agree to move jointly to terminate the covered business method patent review of the '204 patent and affirm that their agreement does not include any other terms, condition, or obligations and/or responsibilities of either party that are not already revealed in the term in the Joint Motion. Paper 9, 1–2.

This proceeding is at an early stage. Amazon has not yet filed a Preliminary Response, and we have not instituted a trial. In view of the early stage of the proceeding and the dismissal with prejudice of c4cast's claims against Amazon in the related district court action, the Board determines that it is appropriate to terminate and enter judgment in this proceeding without rendering a final written decision as to the patentability of claims 1–26 of the '204 patent.

Accordingly, it is

ORDERED that the parties' Revised Joint Motion to terminate this proceeding is *granted*; and

FURTHER ORDERED that this proceeding is hereby *terminated*.

FOR PETITIONER:

Andrew S. Ehmke
Scott T. Jarratt
Haynes and Boone, LLP
andy.ehmke.ipr@haynesboone.com
scott.jarratt.ipr@haynesboone.com

FOR PATENT OWNER:

Joseph Swan
jswan@patent-techlaw.com