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Paper No. 17
Date Entered: April 4, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC.
Petitioner

v.

YAMA CAPITAL LLC
Patent Owner

Case IPR2014-00015
Patent 6,069,982

Before BRIAN J. McNAMARA, BARBARA A. BENOIT, and STACEY G. WHITE, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

JUDGMENT
TERMINATION OF THE PROCEEDING
37 C.F.R. § 42.73

The parties have requested that this trial proceeding be terminated pursuant to a settlement. On March 25, 2014, the Board authorized the parties to file a Joint Motion To Terminate and a Joint Request to File the Settlement as Business Confidential under 37 C.F.R. 42.74(c). Paper 13. On April 4, 2014 the parties filed a Joint Motion to Terminate. Paper 14. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. In their Joint Motion to Terminate, the parties requested that their written agreement, a copy of which was filed as Paper 16, be treated as business confidential. Paper 14. In a telephone conference on April 4, 2014, during which Richard F. Martinelli represented Canon Inc. ("Petitioner") and Sean A. Passino represented Yama Capital LLC ("Patent Owner"), both counsel represented that there are no other written or oral agreements between the parties concerning US Patent 6,069,982 (the '982 Patent), which is the subject of this proceeding.

A decision by the Board to institute a trial has not yet been reached. Therefore, this matter was in the preliminary stages at the time the parties moved to terminate. The parties have represented that the co-pending litigation, styled *Yama Capital, LLC v. Canon, Inc. and Canon USA, Inc.* 1:12-cv-07159, SDNY has been dismissed with prejudice. Joint Mandatory Notice (Paper 15). The parties have not identified any other related matters and have represented that they do not contemplate any further litigation concerning the'982 Patent in the foreseeable future. Paper 14. Under these circumstances, the Board determines that it is appropriate to enter judgment[1] and terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

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

It is, therefore,

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

FURTHER ORDERED that the parties' joint request that the settlement agreement (Paper 16) be treated as business confidential information which shall be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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