

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUXOTTICA RETAIL NORTH AMERICA INC.,
LUXOTTICA U.S. HOLDINGS CORP.,
LUXOTTICA USA LLC and
MACY'S RETAIL HOLDINGS, INC.,
Petitioners,

v.

LENNON IMAGE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-00593
Patent 6,624,843 B2

Before DENISE M. POTHIER, JUSTIN T. ARBES, and
TRENTON A. WARD, *Administrative Patent Judges*.

WARD, *Administrative Patent Judge*.

DECISION
Motion to Terminate
37 C.F.R. § 42.72

On December 16, 2014, Luxottica Retail North America Inc., Luxottica U.S. Holdings Corp., Luxottica USA LLC, and Macy's Retail Holdings, Inc. (collectively, "Petitioner") and Lennon Image Technologies LLC ("Patent Owner") filed a joint motion to terminate the trial proceeding. Paper 18. Along with the motion, the parties filed a copy of a document they described as the written settlement agreement (Ex. 2000), as well as a separate joint request to treat the settlement agreement as business confidential information under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 19.

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." The parties stated in their motion that they have settled the dispute and reached an agreement to terminate this proceeding. Paper 18, 2.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g., Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The Board has instituted a trial in this proceeding, but Patent Owner has not yet filed its Response. The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding with respect to all parties.

Furthermore, on December 16, 2014, the Patent Owner filed a Notice to Withdraw Request for Rehearing. Paper 20. In the Notice, Patent Owner states that it withdraws its "Request for Rehearing of the Decision on

Institution of *Inter Partes* Review” filed on October 16, 2014 (Paper 13). *Id.* at 1. Therefore, Patent Owner’s Request for Rehearing is dismissed as moot.

Accordingly, it is:

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

FURTHER ORDERED that the joint request of the parties that the settlement agreement (Ex. 2000) be treated as business confidential information, kept separate from the file of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED; and

FURTHER ORDERED that Patent Owner’s request to withdraw its Request for Rehearing (Paper 13) is GRANTED, and Patent Owner’s Request for Rehearing is DISMISSED as moot.

PETITIONER:

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PATENT OWNER:

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