

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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1ST AVE MACHINE USA INC., THE BIG PICTURE COMPANY, and  
BOB PARTINGTON,  
Petitioner,

v.

RICHARD THOMAS CANNARELLA (pro se),  
Patent Owner.

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Case IPR2016-01673  
Patent 8,232,661 B2

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Before JAMES B. ARPIN, DAVID C. McKONE, and GARTH D. BAER,  
*Administrative Patent Judges.*

ARPIN, *Administrative Patent Judge.*

DECISION

Termination of the Proceeding

35 U.S.C. § 317 and 37 C.F.R. §§ 42.72 and 42.74

## I. DISCUSSION

On February 28, 2017, we instituted *inter partes* review with respect to certain challenged claims of U.S. Patent No. 8,232,661 B2 (Ex. 1001, “the ’661 patent”). Paper 18, 55–56. In view of revisions to the Scheduling Order (*see* Paper 21, 3–4), Patent Owner has not yet filed its Patent Owner Response or a Motion to Amend, or informed us of its election to forego both filings (Paper 19, 6). Consequently, although we instituted review, this proceeding is still in its early stages.

On June 21, 2017, after receiving our authorization, the parties filed a Joint Motion to Terminate this proceeding (Paper 22), a true copy of the parties’ settlement agreement (Ex. 1012), and a request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 23). In the Joint Motion to Terminate this proceeding, the parties represent that they have settled all of their disputes regarding the ’661 patent, both here and before the U.S. District Court for the Central District of California. Paper 22, 2. Under these circumstances, we determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 35 U.S.C. § 317; 37 C.F.R. § 42.72.

## II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ request to treat the settlement agreement (Ex. 1012) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is *granted*, and this proceeding is hereby terminated.

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Patent 8,232,661 B2

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