

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAMAHA CORPORATION OF AMERICA,
Petitioner,

v.

MCAFEE ENTERPRISES, INC.,
Patent Owner.

Case IPR2017-00153
Patent 6,545,207

Before MICHAEL J. FITZPATRICK, ROBERT J. WEINSCHENK, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

DECISION

Granting Motion to Dismiss
37 C.F.R. §§ 42.5(a) and 42.71(a)

and

Granting Request to Treat Settlement Documents as
Confidential Business Information
37 C.F.R. § 42.74(c)

On April 13, 2017, the parties filed a Joint Motion to Dismiss (Paper 8), a Joint Request that Settlement Agreement Be Treated as Business Confidential Information (Paper 9), and a Settlement Agreement (Ex. 1012). The Joint Motion to Dismiss requests dismissal because the parties have settled all disputes between them regarding U.S. Patent No. 6,545,207 (“the ’207 patent”). Paper 8, 1–3. The parties concurrently filed a true copy of their Settlement and License Agreement. *Id.* at 1; see Ex. 1012.

This proceeding is at an early stage. Petitioner filed a Petition for *Inter Partes* Review of certain claims of the ’207 patent on October 28, 2016. Paper 2. Patent Owner has yet to file a Preliminary Response, and we have neither considered the merits of the Petition nor decided whether to institute trial.

Under these circumstances, we determine it is appropriate to dismiss the Petition. See 37 C.F.R. §§ 42.5(a), 42.71(a). We also determine it is appropriate to treat the parties’ Settlement and License Agreement (Ex. 1012) as confidential business information, and to keep that document separate from the files of the ’207 patent.

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is hereby:

ORDERED that the Joint Motion to Dismiss (Paper 8) is granted;

FURTHER ORDERED that the Petition for *Inter Partes* Review of U.S. Patent No. 6,545,207 is dismissed;

FURTHER ORDERED that the Joint Request that Settlement Agreement Be Treated as Business Confidential Information (Paper 9) is granted; and

IPR2017-00153
Patent 6,545,207

FURTHER ORDERED that Exhibit 1012 (“Settlement Agreement”) be maintained as confidential business information and kept separate from the files of U.S. Patent No. 6,545,207.

PETITIONER:

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