

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BRANCH BANKING & TRUST COMPANY,  
Petitioner,

v.

EMG TECHNOLOGY, LLC,  
Patent Owner.

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Case CBM2014-00094  
Case CBM2014-00145<sup>1</sup>  
Patent 7,441,196

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Before GLENN J. PERRY, BENJAMIN D. M. WOOD, and  
HYUN J. JUNG, *Administrative Patent Judges*

PERRY, *Administrative Patent Judge*

JUDGMENT  
*Termination of Proceeding*  
37 C.F.R. § 42.73

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<sup>1</sup> This Order addresses both captioned cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

The parties have requested that these trial proceedings be terminated pursuant to a settlement. On July 24, 2014, the Board authorized the parties to file a Joint Motion to Terminate each of the proceedings along with a true copy of any and all settlement agreements between them related to the patent at issue. On July 25, 2014, the parties filed a Joint Motion to Terminate<sup>2</sup> in each of the above-captioned cases in accordance with 35 U.S.C. § 327(a) and Rule 42.74. Each Motion was supported by a copy of a Stipulation of Dismissal<sup>3</sup> and a corresponding District Court Order<sup>4</sup> of the Eastern District of Texas, Tyler Division in the related litigation dismissing it with prejudice. The parties indicated in a conference call on July 23, 2014 that there are no agreements between them related to the patent at issue other than the joint stipulation filed with the District Court.

Each of the captioned CBM cases is in its preliminary stage. In neither case has the Petition been granted. The parties have not identified any other USPTO proceedings related to the patent at issue. Under these circumstances, the Board determines that it is appropriate to enter judgment<sup>5</sup> and terminate each of the trials without rendering a final written decision under 37 C.F.R. § 42.72.

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<sup>2</sup> CBM2014-00094, Paper 8; CBM2014-00145, Paper 7.

<sup>3</sup> CBM2014-00094, Exhibit 1025; CBM2014-00145, Exhibit 1027.

<sup>4</sup> CBM2014-00094, Exhibit 1026; CBM2014-00145, Exhibit 1028.

<sup>5</sup> A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

Case CBM2014-00094  
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## ORDER

It is, therefore,

ORDERED that the joint motions to terminate these proceedings are  
GRANTED and the proceedings are hereby terminated.

Case CBM2014-00094

Case CBM2014-00145

Patent 7,441,196

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