

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

C4CAST.COM, INC.,
Patent Owner.

Case CBM2015-00065
Patent 7,958,204 B1

Before JAMESON LEE, JAMES P. CALVE, and
CHARLES J. BOUDREAU, Administrative Patent Judges.

BOUDREAU, *Administrative Patent Judge*.

ORDER
Conduct of Proceedings
37 C.F.R. § 42.5

I. DISCUSSION

On March 11, 2015, the panel held a telephone conference with respective counsel for Petitioner Amazon.com, Inc. and Patent Owner c4cast.com, Inc., to discuss the parties' request for authorization to file a joint motion to terminate the above-captioned proceeding ("Joint Motion").

In that telephone conference, the parties represented that termination of this proceeding is appropriate because they have reached a resolution of their ongoing dispute and because a corresponding district court proceeding between the parties was resolved by a jointly filed stipulated motion for dismissal that was subsequently granted by the district court.

Having considered the parties' representations, we shall grant the parties leave to file their proposed Joint Motion to terminate this proceeding.

Under 37 C.F.R. § 42.74(b), "[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial." Thus, if there is an agreement or understanding in connection with or contemplation of termination of this proceeding, even if not yet reduced to writing, it is covered by 37 C.F.R. § 42.74(b) and should be filed with the Joint Motion. The fact that the proposed motion is characterized as a joint motion by the parties suggests that there is such an agreement.

Should the parties wish that such written agreement be treated as business confidential information to be kept separate from the patent file, the parties may file a joint request pursuant to 37 C.F.R. § 42.74(c) ("Joint Request") to so request.

II. ORDER

Accordingly, it is:

ORDERED that the parties are granted leave to file a Joint Motion to terminate this proceeding, setting forth, *inter alia*, (1) the identity of all parties in any related district court cases involving the patent at issue in this proceeding, (2) the current status of each such related case with respect to

each party in such case, and (3) the case numbers of any pending related proceedings filed in the Patent Trial and Appeal Board, or a statement that there are no such related proceedings.

FURTHER ORDERED that the parties shall file, along with any such Joint Motion, a true copy of any agreement pursuant to 37 C.F.R. § 42.74(b); and

FURTHER ORDERED that the parties are granted leave to file a Joint Request, pursuant to 37 C.F.R. § 42.74(c), that any written agreement filed pursuant to 37 C.F.R. § 42.74(b) be treated as business confidential information to be kept separate from the patent file.

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