

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AXIS COMMUNICATIONS, INC. and AXIS COMMUNICATIONS AB  
Petitioners,

v.

CANATELO, LLC  
Patent Owner.

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Case IPR2014-00394  
Patent 6,476,858

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**JOINT MOTION TO TERMINATE PROCEEDINGS  
PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317(a), Petitioners AXIS COMMUNICATIONS, INC. and AXIS COMMUNICATIONS AB (collectively “Petitioners”), and Patent Owner CANATELO, LLC (“Patent Owner”), jointly request termination of IPR2014-00394, which is directed to Patent 6,476,858 (the “858 Patent”).

This *inter partes* review was accorded a filing date of January 30, 2014. Corrected petition papers were filed February 21, 2014 and accepted in a Notice dated February 24, 2014. No other papers, other than the Patent Owner’s Mandatory Notices, have been filed in this proceeding, no other notices or decisions have issued, and there is no final written decision on the merits of this review proceeding. The parties settled their dispute and agreed to request the termination of this *inter partes* review.

The parties’ confidential Settlement Agreement was reduced to writing, and a true copy of the same is attached hereto as Exhibit 1.<sup>1</sup> The Settlement Agreement is marked Confidential and the parties desire that the Settlement Agreement be maintained as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). A separate joint request to that effect is being filed on even date herewith.

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<sup>1</sup> The Settlement Agreement is being filed electronically via the Patent Review Processing System (PRPS) as “*Parties and Board Only*.”

**1. Reasons Why Termination is Appropriate**

Termination is proper under 35 U.S.C. § 317(a) because the petitioner and the patent owner are jointly requesting termination and the Office has not yet “decided the merits of the proceeding before the request for termination [was] filed.”

**2. Related District Court Litigation Status**

The ‘858 patent is the subject of the following pending litigations: *Canatelo, LLC. v. AXIS Communications AB, et al.*, District of Delaware, Case No. 1:13-cv-01227-GMS; *Canatelo v. Avigilon Corp.*, District of Puerto Rico, Case 3:12-cv-01431; and *Canatelo v. Trendnet, Inc.*, District of Puerto Rico, Case 3:13-cv-01093. All parties to the *Canatelo, LLC. v. AXIS Communications AB, et al.*, District of Delaware, Case No. 1:13-cv-01227-GMS litigation, including Patent Owner and Petitioners herein, filed a Stipulation of Dismissal as to all claims and counter-claims on June 30, 2014.

**3. Future Participation by the Parties**

Petitioners will not further participate in this proceeding, even if they are not terminated pursuant to this joint motion. Should the Board determine that termination is not proper with respect to Patent Owner, termination with respect to Petitioner is proper under 35 U.S.C. § 317(a) because the parties are jointly

requesting termination and the Office has not yet “decided the merits of the proceeding before the request for termination [was] filed.”

Patent Owner’s participation in any further proceedings would depend upon the condition for the same and Patent Owner reserves the right to so participate, if necessary.

Respectfully Submitted,

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Joint Motion to Terminate Proceedings  
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Patent 6,476,858

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