

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

C&A MARKETING, INC.,
Petitioner,

v.

GOPRO, INC.,
Patent Owner.

Case IPR2017-01300
Patent 9,025,896 B2

Before MICHAEL R. ZECHER, TERRENCE W. McMILLIN, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION
Granting Parties' Joint Motion to Terminate
37 C.F.R. §§ 42.71(a) and 42.74

I. DISCUSSION

On September 27, 2017, the parties filed a Joint Motion to Terminate (Paper 7),¹ a true copy of the parties' settlement agreement (Ex. 2003), and a joint 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 8).

This proceeding is still in its preliminary stages. Petitioner, C&A Marketing, Inc., filed a Petition requesting an *inter partes* review of claims 1, 2, 8–11, 17, and 18 of U.S. Patent No. 9,025,896 B2 (“the ’896 patent,” Ex. 1001). Paper 2. Patent Owner, GoPro, Inc., filed a Preliminary Response (Paper 6); however, we have not entered a decision whether or not to institute an *inter partes* review.

In the Joint Motion to Terminate, the parties indicate that they have settled all their disputes regarding the ’896 patent. Paper 7, 2–3. The parties represent that the settlement encompasses the following: (1) this proceeding; and (2) the co-pending district court case where the ’896 patent has been asserted against Petitioner, as well as C&A Licensing, LLC and PLR IP Holdings, LLC. *Id.* (citing Ex. 2004). Under these particular circumstances, we determine that it is appropriate to dismiss the Petition without rendering any further decisions, thereby terminating this proceeding. *See* 37 C.F.R. § 42.71(a).

¹ The parties refer to 35 U.S.C. § 317(a) in both the title and body of the Joint Motion to Terminate. Section 317(a) states, in relevant part, “[a]n *inter partes* review *instituted* under this chapter.” Emphasis added. This particular subsection does not apply to the current situation because we have not entered a decision whether or not to institute an *inter partes* review.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 2003) as business confidential information under 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the parties' Joint Motion to Terminate is GRANTED, and the Petition is dismissed resulting in termination of this proceeding.

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