

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GSI COMMERCE SOLUTIONS, INC.,

Petitioner,

v.

CLEAR WITH COMPUTERS, LLC,
Patent Owner.

Case CBM2013-00055
Patent 8,266,015

Before JENNIFER S. BISK, BENJAMIN D. M. WOOD, and
MICHELLE R. OSINSKI, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
35 U.S.C. § 327(a); 37 C.F.R. § 42.72

We instituted trial in this proceeding on March 6, 2014. Paper 16. On November 12, 2014, the parties jointly requested that this trial proceeding be terminated pursuant to a settlement. Paper 32. With their motion to terminate, the parties also filed a copy of a written settlement agreement that they request be kept confidential. Paper 33; Ex. 2007.

This proceeding has not resulted in a final decision on the merits. The parties indicate that they have agreed to resolve all disputes between the parties and that all district court litigations involving the challenged patent have been terminated. Paper 32, 2–3 (representing that, in several district court cases, a judgment on the pleadings has been entered finding claims 1–4, 10, and 11 of the challenged patent invalid under 35 U.S.C. § 101). Under these circumstances, we determine that it is appropriate to enter judgment¹ and terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

Accordingly, it is

ORDERED that the joint motion to terminate the proceeding is *granted*;

FURTHER ORDERED that the proceeding is terminated; and

FURTHER ORDERED that the joint request that the settlement agreement be treated as business confidential information and be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), is *granted*.

¹ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

CBM2013-00055

Patent 8,266,015

PETITIONER:

Scott McKeown

Greg Gardella

OBLON, SPIVAK, MAIER, MCCLELLAND, AND NEUSTADT, LLP

CPDocketMcKeown@oblon.com

CPDocketGardella@oblon.com

PATENT OWNER:

Tarek Fahmi

Amy Embert

FAHMI, SELLERS, EMBERT & DAVITZ

tarek.fahmi@ascendalaw.com

amy.embert@ascendalaw.com