

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STAPLES, INC., HOME DEPOT, U.S.A., and
EDIBLE ARRANGEMENTS INTERNATIONAL, LLC,
Petitioner,

v.

PI-NET INTERNATIONAL, INC.,
Patent Owner.

Case CBM2014-00097
Patent 8,346,894 B2

Before KARL D. EASTHOM, WILLIAM V. SAINDON,
and BRIAN J. McNAMARA, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

JUDGMENT
TERMINATION OF THE PROCEEDING

37 C.F.R. § 42.73

Staples, Inc., Home Depot, U.S.A., and Edible Arrangements International, LLC (“Petitioner Entities”) and Pi-Net International (“Patent Owner”) have requested that this trial proceeding be terminated pursuant to a settlement. On August 21, 2014, the Board authorized the parties to file a Joint Motion To Terminate the proceeding and a joint request to file the respective settlement agreements as business confidential under 37 C.F.R. 42.74(c). Paper 14. On September 5, 2014, the parties filed a Joint Motion to Terminate, Paper 15, and a Joint Request To Maintain Confidentiality And To Keep Separate Pursuant To 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74, Paper 16 (“Joint Request”). With their Motion To Terminate and Joint Request, the parties also filed a copy of a written settlement agreement with each of the Petitioner Entities, Exs. 1042, 1043, and 1044, and a stipulation of dismissal of litigation filed with the district court¹ between Patent Owner and each of the Petitioner Entities, Exs. 1039, 1040, 1041.

This matter was in the preliminary stages at the time the parties moved to terminate and no decision to institute a trial had been entered. The parties have indicated that they do not contemplate litigation concerning the patent that is the subject of this proceeding in the foreseeable future. Joint Motion to Terminate 2. Under these circumstances, the Board determines that it is appropriate to enter judgment² and terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

It is, therefore,

¹On September 10, 2014, the parties filed a copy of the Order of Dismissal of the action against each of the Petitioner Entities entered by the district court. Exs. 1045, 1046, and 1047.

² A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

ORDERED that the joint motion to terminate the proceeding is GRANTED and the proceeding is hereby terminated;

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, which shall be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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