Trials@uspto.gov
Tel: 571-272-7822

Paper 15
Entered: December 20, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STARWOOD HOTELS AND RESORTS WORLDWIDE, INC.
Petitioner

v.

LONE STAR WIFI, LLC
Patent Owner

Case IPR2014-00102
Patent 7,490,348 B1

Before JUSTIN T. ARBES, BRYAN F. MOORE, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges.*

ARBES, *Administrative Patent Judge.*

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On December 12, 2013, the Board authorized the parties to file a joint motion to rescind the judgment previously entered in the instant proceeding and terminate the proceeding on the basis of the parties' settlement. Paper 11. The parties filed their joint motion on December 17, 2013. Paper 12;

see 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of their written settlement agreement (Exhibit 1017) and a request (Paper 13) to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Before being terminated by virtue of the earlier judgment, this proceeding was still in the preliminary stages. Patent Owner had not yet filed a preliminary response and the Board had not yet determined whether to institute an *inter partes* review. Petitioner also filed a "Notice of Non-Participation" stating that it no longer intended to participate in the proceeding. Paper 5. The parties further represent that the related district court litigation involving the challenged patent was terminated based on the parties' settlement agreement. Paper 12 at 1. The parties identify no other related matters. Under the circumstances, the Board determines that it is appropriate to terminate the proceeding without rendering a final written decision. *See* 37 C.F.R. § 42.72.

In consideration of the foregoing, it is hereby:

ORDERED that the judgment entered on December 4, 2013 in this proceeding is *withdrawn*;

FURTHER ORDERED that the parties' joint request that the settlement agreement (Exhibit 1017) be treated as business confidential information, kept separate from the file of Patent 7,490,348 B1, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that the joint motion to terminate the proceeding is *granted* and this proceeding is hereby *terminated*.

PETITIONER:

Scott A. McKeown
Greg Gardella
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P.
CPDocketMcKeown@oblon.com
CPDocketGardella@oblon.com

PATENT OWNER:

Abraham Hershkovitz
Eugene Rzucidlo
HERSHKOVITZ & ASSOCIATES, PLLC
ahershkovitz@hershkovitz.net
GRzucidlo@Hershkovitz.net