

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CE SOIR LINGERIE CO., INC.,
Petitioner,

v.

BRAZABRA CORPORATION,
Patent Owner.

IPR2019-01491
Patent 7,278,899 B2

Before BARRY L. GROSSMAN, TIMOTHY J. GOODSON, and
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

FINAMORE, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner jointly request that the above-referenced *inter partes* review proceeding be terminated pursuant to a settlement. On December 2, 2019, with our authorization, the parties filed a Joint Motion to Terminate (Paper 6, “Mot.”), along with a copy of a Joint Stipulation for Dismissal filed in a related district court case, *Brazabra Corp. v. Ce Soir Lingerie Co., Inc.*, No. 1:18-cv-683 RP (W.D. Tex. dismissed Nov. 7, 2019) (Ex. 1025).

II. DISCUSSION

The parties represent that they have jointly stipulated to terminate this *inter partes* review proceeding. Mot. 2. The parties certify that the Joint Stipulation resolves the controversy between the parties relating to U.S. Patent No. 7,278,899 B2, the patent at issue in this proceeding (*id.*), and that “there are no other agreements or understandings, oral or written, between the parties, including any collateral agreements, made in connection with, or in contemplation of, the termination of the present proceeding” (*id.* at 1). The parties further represent that the filed copy of the Joint Stipulation is a true and complete copy. *Id.*

This proceeding is at an early stage, and we have not yet decided whether to institute an *inter partes* review. In view of the early stage of the proceeding and the agreement between the parties to terminate the proceeding, we determine that good cause exists to end the proceeding.

III. CONCLUSION

For the foregoing reasons, we grant the parties' Joint Motion to Terminate the proceeding. This determination does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

IV. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and IPR2019-01491 is *terminated*.

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