

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WISELY PRODUCTS, LLC,
Petitioner,

v.

TELEBRANDS CORP.,
Patent Owner.

Case PGR2018-00003
Patent 9,546,775

Before THOMAS L. GIANNETTI, GEORGIANNA W. BRADEN, and
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

ULLAGADDI, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding

37 C.F.R. § 42.74

I. BACKGROUND

Wisely Products, LLC (“Petitioner”) and Telebrands Corp. (“Patent Owner”) filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 327 and 37 C.F.R. § 42.74. Paper 11 (“Motion” or “Mot.”). The parties also filed a true copy of a settlement agreement (“Agreement”). Exhibit 1029. Petitioner and Patent Owner indicate that, pursuant to the Agreement, they have settled their dispute regarding U.S. Patent No. 9,546,775. Mot. 1. The parties identified the Agreement as business confidential information and requested that the Agreement be kept separate from the patent file under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(b)-(c). Paper 10, 2. The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.74. Here, an oral hearing has not been held and the Board has not issued a final written decision. Under these circumstances, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. § 42.74. We also determine that it is appropriate to treat the Agreement (Ex. 1029) as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 327(b).

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate Proceeding is granted;

FURTHER ORDERED that this proceeding is terminated as to all parties;

and

FURTHER ORDERED that the request to treat the Agreement (Ex. 1029) as business confidential information, kept separate from the patent file of U.S. Patent No. 9,546,775 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. § 327(b) and 37 C.F.R. § 42.74(c), is granted.

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