

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME WIRE & CABLE, INC.,
Petitioner,

v.

TELEBRANDS CORP.,
Patent Owner.

Case PGR2018-00010
Patent 9,752,761

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

Prime Wire and Cable, Inc. (“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 8. The parties also filed a Joint Motion to File Settlement Agreement as Business Confidential Information and to Keep Separate. Paper 9. Petitioner and Patent Owner indicate that, pursuant to the Agreement, they have settled their dispute regarding U.S. Patent No. 9,752,761. Paper 8, 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 9, 1. 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, the Board has not issued a Decision on Institution. 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. 1055) 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. 1055) as business confidential information, kept separate from the patent file of U.S. Patent No. 9,752,761 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.

FOR PETITIONER:

John K. Buche
Bryce A. Johnson
BUCHE & ASSOCIATES, P.C.
jbucho@buchelaw.com
bjohnson@buchelaw.com

FOR PATENT OWNER:

Robert T. Maldonado
Tonia A. Sayour
Elana B. Araj
Benjamin Y. Han
COOPER & DUNHAM LLP
rmaldonado@cooperdunham.com
tsayour@cooperdunham.com
earaj@cooperdunham.com
bhan@cooperdunham.com