

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PI-NET INTERNATIONAL INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 12-282-SLR
	)	
JPMORGAN CHASE & CO.,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

At Wilmington this 30<sup>th</sup> day of October, 2014, having reviewed the docket in the above captioned case and the various filings by Dr. Arunachalam, an individual, who has filed a motion to be substituted in for the plaintiff, the court issues its decision based on the following reasoning:

1. On May 14, 2014, having heard argument on, and having reviewed the papers submitted in connection with, the parties' proposed claim construction and summary judgment motion practice, the court issued memorandum opinions granting defendant JP Morgan Chase & Co's ("JP Morgan") motion for summary judgment of non-infringement and invalidity. (D.I. 163, 164, 165, 166) On May 19, 2014, the court entered judgment in favor of JP Morgan. (D.I. 167)

2. On May 21, 2014, plaintiff Pi-Net International Inc. ("Pi-Net") (represented by counsel) filed a notice of appeal of this court's decisions. On June 2, 2014, JP Morgan moved for attorney fees, which motion was fully briefed on June 30, 2014, including supplemental filings by Pi-Net on August 12, 2014. On September 3, 2014, Dr. Arunachalam, an individual, filed a motion to vacate the judgment and on September 5,

2014 a motion to be substituted in as plaintiff in lieu of Pi-Net.

3. The act of filing a notice of appeal confers jurisdiction on an appellate court and divests the trial court of jurisdiction over matters related to the appeal. *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982); *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985). The court does not currently have jurisdiction to consider the filings of Dr. Arunachalam, who is not a party to the case. See *TA Instruments, Inc. v. Perkin-Elmer Corp.*, Civ. No. 95-545, 2000 WL 152130, at \*3 (D. Del. Jan. 24, 2000) (citing *Hancock Indus. v. Schaeffer*, 811 F.2d 225, 23940 (3d Cir. 1987); *Venen*, 758 F.2d at 123; *Main Line Fed'l Savings & Loan Ass'n v. Tri-Kell, Inc.*, 721 F.2d 904, 906 (3d Cir. 1983)) (“With respect to motions made pursuant to Rule 60(b), the Third Circuit has indicated that the pendency of an appeal leaves a district court with jurisdiction to entertain, determine the merits of, and deny such motions, but without jurisdiction to grant such motions.”).

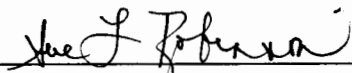
THEREFORE, IT IS ORDERED that all such motions filed (D.I. 191, 197, 211, 212, 218) are denied without prejudice to renew pending the decision by the United States Court of Appeals for the Federal Circuit.<sup>1</sup> Any subsequent applications for relief filed by Dr. Arunachalam (or Pi-Net pro se) while this case is pending before the Federal Circuit will not be considered by the court.

IT IS FURTHER ORDERED that the motion for attorney fees filed by JP Morgan (D.I. 173) and the motion to intervene by George Pazuniak, Esquire (D.I. 194) are

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<sup>1</sup>Dr. Arunachalam is filing many of the same motions in the Federal Circuit.

denied without prejudice to renew once the Federal Circuit issues its decision.

  
United States District Judge