

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CHECKPOINT SYSTEMS, INC.,
Plaintiff-Appellant

v.

**ALL-TAG SECURITY S.A., ALL-TAG SECURITY
AMERICAS, INC., SENSORMATIC ELECTRONICS
CORPORATION, KOBE PROPERTIES SARL,**
Defendants-Appellees

2016-1397

Appeal from the United States District Court for the
Eastern District of Pennsylvania in No. 2:01-cv-02223-
PBT, Judge Petrese B. Tucker.

ON MOTION

Before NEWMAN, LOURIE, and MOORE, *Circuit Judges*.
NEWMAN, *Circuit Judge*.

O R D E R

The appellees have filed an objection to Checkpoint's
Bill of Costs.

The appellees first state that the court did not award costs. That is incorrect, for the court's Entry of Judgment stated: "Costs are taxable against the appellee in favor of the appellant under Rule 39." This conforms with Federal Circuit Rule 39(a), which states that: "When the clerk of court provides notice of judgment or order disposing of an appeal, the clerk of court must advise which party or parties are entitled to costs."

Federal Rule 62 states that "if an appeal is taken, the appellant may obtain a stay by supersedeas bond," and Federal Rule 39(e)(3) states that "premiums paid for a supersedeas bond or other bond to preserve rights pending appeal" are "taxable in the district court to the benefit of the party entitled to costs under this rule."

The appellees object to taxation of the premiums paid for such bond, stating that they "did not insist on a supersedeas bond." The record is otherwise. The record includes an email from Sensormatic stating that "execution will begin in 14 days" and "if Checkpoint wishes to appeal, I am sure we would stipulate to the adequacy of a 120% Appeal Bond," and Checkpoint's response: "We will take you up on the latter offer since Checkpoint plans to appeal."

On the record and in accordance with the Rules, Checkpoint is entitled to include in its taxable costs the premiums paid for the bond.

It is so ordered.

FOR THE COURT

August 31, 2017

Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court