

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARLES RIVER LABORATORIES, INC. and
CHARLES RIVER LABORATORIES INTERNATIONAL, INC.,

Petitioner,

v.

IDEXX LABORATORIES, INC.,
Patent Owner.

Cases

IPR2016-01508 (Patent 8,945,945 B2)
IPR2016-01511 (Patent 8,927,298 B2)
IPR2016-01513 (Patent 9,040,308 B1)

Before ULRIKE W. JENKS, RAMA G. ELLURU, and CHRISTOPHER M.
KAISER, *Administrative Patent Judges*.

ELLURU, *Administrative Patent Judge*.

TERMINATION
Dismissing the Petitions
37 C.F.R. §§ 42.5(a) and 42.71(a)

IPR2016-01508 (Patent 8,945,945 B2)
IPR2016-01511 (Patent 8,927,298 B2)
IPR2016-01513 (Patent 9,040,308 B1)

On February 9, 2017, the parties filed joint motions to terminate IPR2016-01508, IPR2016-01511, and IPR2016-01513 (Paper 7),¹ along with what they indicate is a true copy of their settlement agreement (Paper 9²). Simultaneously, the parties also filed joint requests that the settlement agreement be treated as business confidential information and kept separate from the files in the respective proceedings. Paper 8, 1–2.

The instant proceedings are in the early stages, and decisions on whether to institute trial have not been made. The parties represent that they “have reached a settlement agreement that resolves all pending disputes between CRL and IDEXX as to the subject patents, including the subject IPRs” and that “the parties’ settlement agreements are in writing, and a true and correct copy is filed concurrently” with the instant motion. *Id.* at 2. The parties also represent that they “are unaware of any other issued patent proceedings pending before the United States Patent and Trademark Office that would be affected by the outcome of this proceeding” or “any additional pending, related *inter partes* review proceedings.” *Id.* at 3. The parties state that “[t]he settlement agreement entered into between the parties requires that the related district court action involving the subject parties and subject patents, *IDEXX Labs. et al. v. Charles River Labs. et al.*, No. 15-668 (D.

¹ The parties filed similar papers in each of the instant proceedings. We refer to those filed in Case IPR2016-01508 for convenience.

² The settlement agreement, Paper 9 in IPR2016-01508, Paper 9 in IPR2016-01511, and Paper 9 in IPR2016-01513, will be expunged and refiled as Ex. 3001 (“Board and Parties Only”) in all three proceedings.

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Del.), be dismissed no later than February 9, 2017, and the parties are in the process of implementing that action.” *Id.*

Under these circumstances, it is appropriate to dismiss the Petitions for *Inter Partes* Review in IPR2016-01508, IPR2016-01511, and IPR2016-01513. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent files. 37 C.F.R. § 42.74(c).

Accordingly, it is

ORDERED that the joint motions to terminate IPR2016-01508, IPR2016-01511, and IPR2016-01513 are *granted*;

FURTHER ORDERED that the Petitions for *Inter Partes* Review in IPR2016-01508, IPR2016-01511, and IPR2016-01513 are *dismissed*; and

FURTHER ORDERED that a copy of this Judgment be filed in IPR2016-01508, IPR2016-01511, and IPR2016-01513;

FURTHER ORDERED that the parties’ joint requests in IPR2016-01508, IPR2016-01511, and IPR2016-01513 that the settlement agreement in each proceeding be treated as business confidential information, to be kept separate from the patent files, are *granted*; and

FURTHER ORDERED that Paper 9 in IPR2016-01508, Paper 9 in IPR2016-01511, and Paper 9 in IPR2016-01513 be expunged and refiled as Ex. 3001 (“Board and Parties Only”) in all three proceedings.

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