

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INOGEN, INC.,
Petitioner,

v.

SEPARATION DESIGN GROUP IP HOLDINGS, LLC,
Patent Owner.

Case IPR2017-00300
Patent 8,894,751 B2

Before KRISTINA M. KALAN, JON B. TORNQUIST, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER

Termination of the Proceedings
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On November 6, 2017, the parties filed a Joint Request to Terminate this proceeding pursuant to 35 U.S.C. § 317(a). Paper 24 (“Joint Motion to Terminate”). In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed a true and correct copy of a License and Settlement Agreement, Paper 25, along with a Joint Request to File Settlement Agreement as Business Confidential Information, to be kept separate from the publicly available patent files. Paper 26.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” In this case, the Board instituted trial on May 19, 2017. Paper 8. So far, Patent Owner has filed its Patent Owner Response, but Petitioner has not yet filed its Reply, and the Board has not decided the merits of the proceeding.

Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. [§] 317(a).” After reviewing the Joint Motion to Terminate and the Settlement Agreement, we determine that it is appropriate to terminate the proceeding without rendering a final written decision. Therefore, the Joint Motion to Terminate is GRANTED.

IPR2017-00300
Patent 8,894,751 B2

Accordingly, it is

ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information is GRANTED, and the License and Settlement Agreement will be kept separate from the patent files; and

FURTHER ORDERED that the Joint Motion to Terminate is GRANTED and this proceeding is hereby TERMINATED.

PETITIONER:

John B. Sganga, Jr.
Nicholas M. Zovko
Linda H. Liu
KNOBBE, MARTENS, OLSON & BEAR, LLP
2jbs@knobbe.com
2nmz@knobbe.com
2lhl@knobbe.com

PATENT OWNER:

Brett M. Pinkus
Richard Wojcio
FRIEDMAN, SUDER & COOKE
pinkus@fsclaw.com
wojcio@fsclaw.com