

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MEDTRONIC XOMED, INC.,  
Petitioner,

v.

NEUROVISION MEDICAL PRODUCTS, INC.,  
Patent Owner.

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Case IPR2017-00456  
Patent 8,634,894 B2

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Before MEREDITH C. PETRAVICK, MITCHELL G. WEATHERLY, and  
MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

Dismissing Joint Motion to Terminate and  
Joint Request to Keep Separate  
*Conduct of the Proceeding*  
37 C.F.R. § 42.5

### *I. Introduction*

On May 8, 2017, Medtronic Xomed, Inc. (“Petitioner”) and Neurovision Medical Products, Inc. (“Patent Owner”) filed a Joint Motion to Terminate *Inter Partes* Review under 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74 (“Motion to Terminate”). Paper 12. The parties submit that termination is appropriate because they have settled and “the Board has not yet decided the merits of the proceeding.” *Id.* at 3.

Along with the Motion to Terminate, the parties filed a copy of their Settlement and License Agreement (“Settlement Agreement,” Ex. 2030) and a Joint Request to Keep Separate Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (“Request to Keep Separate”). Paper 13.

### *II. Discussion*

On May 5, 2017, the Petition was denied. Paper 10. As a result, there is no *inter partes* review to be terminated. Accordingly, we dismiss as moot the parties’ Motion to Terminate and the parties’ Request to Keep Separate. We also expunge from the record the parties’ Settlement Agreement. 37 C.F.R. § 42.7(a).

### *III. Orders*

It is

ORDERED that the Joint Motion to Terminate (Paper 12) and the Joint Request to Keep Separate (Paper 13) are *dismissed* as moot; and

FURTHER ORDERED that Settlement Agreement (Exhibit 2030) is *expunged*.

IPR2017-00456  
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