

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYRIAD GENETICS, INC., MYRIAD GENETIC LABORATORIES,
INC., BIO-RAD LABORATORIES, INC., AND RAINDANCE
TECHNOLOGIES, INC.,
Petitioner,

v.

THE JOHNS HOPKINS UNIVERSITY,
Patent Owner.

Case IPR2017-01102 (Patent 6,440,706 B1)
Case IPR2017-01105 (Patent 8,859,206 B2)
Case IPR2017-01106 (Patent 7,824,889 B2)
Case IPR2017-01107 (Patent 7,915,015 B2)¹

Before BRIAN P. MURPHY, TINA E. HULSE, and RICHARD J. SMITH,
Administrative Patent Judges.

HULSE, *Administrative Patent Judge.*

TERMINATION
Dismissing the Proceeding
37 C.F.R. § 42.5(a), 37 C.F.R. § 42.71(a)

¹ This decision addresses issues that are common to each of the above-referenced cases. We, therefore, issue a single decision that has been entered in each case.

IPR2017-01102 (Patent 6,440,706 B1)
IPR2017-01105 (Patent 8,859,206 B2)
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IPR2017-01107 (Patent 7,915,015 B2)

On August 16, 2017, the parties filed a joint motion to terminate the proceeding in each of the above-referenced cases under 35 U.S.C. § 317(a). Paper 7.² The parties also filed a copy of a settlement agreement (Exhibit 1050) along with a joint request to file the settlement agreement as business confidential information under 35 U.S.C. § 317(b) (Paper 8).

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). These cases are in the preliminary proceeding stage, which begins with the filing of a petition and ends with a written decision as to whether trial will be instituted. *See* 37 C.F.R. § 42.2. Based on the facts of each case, we determine that it is appropriate to dismiss each case without rendering a decision as to whether a trial will be instituted. Therefore, the joint motions to terminate the cases are GRANTED.

Accordingly, it is

ORDERED that the parties' request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motions to terminate the above-referenced cases are GRANTED;

FURTHER ORDERED that the Petitions for *inter partes* review in IPR2017-01102, IPR2017-01105, IPR2017-01106, and IPR2017-01107 are DISMISSED.

² Paper numbers and exhibits refer to those filed in IPR2017-01102. Similar papers and exhibits were filed in the other cases.

IPR2017-01102 (Patent 6,440,706 B1)
IPR2017-01105 (Patent 8,859,206 B2)
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IPR2017-01107 (Patent 7,915,015 B2)

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