

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
Petitioner,

v.

SUMITOMO DAINIPPON PHARMA CO., LTD.,
Patent Owner.

Case IPR2017-01292
Patent 9,555,027 B2

Before GRACE KARAFFA OBERMANN, ZHENYU YANG, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate
Due to Settlement Prior to Institution
37 C.F.R. § 42.72, 42.74

On August 1, 2017, the parties filed a joint motion to terminate the instant proceeding (Paper 8), accompanied by a true copy of a settlement agreement (Ex. 2002) and a joint request to treat the agreement as business confidential information, to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 9).

The parties indicate in their joint motion to terminate that they have reached an agreement resolving their current dispute involving U.S. Patent No. 9,555,027 B2 (“the ’027 patent”). Paper 8, 1. The parties request termination, stating that “[t]here are no additional collateral agreements or understandings made in connection with, or in contemplation of, termination of the *inter partes* review.” *Id.* Finally, the parties state that there are no related district court litigations involving the ’027 patent, nor any pending, related *inter partes* review proceedings. *Id.* at 2–3.

This proceeding is in a preliminary stage. Patent Owner has not filed a Preliminary Response, and no decision on whether to institute trial has been made. Under the circumstances presented here, we determine that it is appropriate to terminate this preliminary proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant the parties’ joint motion to terminate. We also grant the parties’ joint request to treat their agreement as business confidential information, to be kept separate from the patent file.

Accordingly, it is

ORDERED that the joint motion to terminate the proceedings is GRANTED;

FURTHER ORDERED that the joint request to treat the parties' agreement as business confidential information, to be kept separate from the patent file, is GRANTED; and

FURTHER ORDERED that the instant proceeding is TERMINATED.

IPR2017-01292
Patent 9,555,027 B2

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