

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMBRY GENETICS CORPORATION,
Petitioner,

v.

THE JOHNS HOPKINS UNIVERSITY,
Patent Owner.

Case IPR2017-02086 (Patent 6,440,706 B1)
Case IPR2017-02093 (Patent 7,824,889 B2)¹

Before LORA M. GREEN, TINA E. HULSE, and RICHARD J. SMITH,
Administrative Patent Judges.

GREEN, *Administrative Patent Judge.*

ORDER

Termination of the Proceedings After Institution
35 U.S.C. § 317 and 37 C.F.R. § 42.72

¹ This order addresses issues common to each of the captioned cases. Thus, we issue a single order for entry in each case.

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IPR2017-02093 (Patent 7,824,889 B2)

The parties have requested that these trial proceedings be terminated pursuant to a settlement. In an email dated March 23, 2018, we authorized the parties to file a joint request to terminate and to file the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). IPR2017-02086, Ex. 1028; IPR2017-02093, Ex. 1032. On March 29, 2018, the parties filed joint motions to terminate, as well as a joint motion requesting that the joint settlement agreement be treated as business confidential information and sealed, in each proceeding. IPR2017-02086, Papers 10, 11; IPR2017-02093, Papers 10, 11; *see also* 35 U.S.C. § 317; 37 C.F.R. § 42.72. With their motion to terminate and seal, the parties also filed a copy of a written settlement agreement. IPR2017-02086, Ex. 1030; IPR2017-02093, Ex. 1034.

Decisions by the Board to institute trial in these proceedings were entered on March 19, 2018. IPR2017-02086, Paper 7; IPR2017-02093, Paper 8. These matters, however, are in preliminary stages. The parties state that they have settled their dispute and have agreed to terminate these proceedings as well as the related district court litigation. IPR2017-02086, Paper 10, 1; IPR2017-02093, Paper 10, 1. Petitioner has also agreed to withdraw and no longer participate in IPR2017-02096 and IPR2017-02095, in which we denied institution but the time for filing a rehearing request has not yet passed. IPR2017-02086, Paper 10, 2; IPR2017-02093, Paper 10, 2. Under these circumstances, we determine that it is appropriate to terminate the trials without rendering a final written decision. 37 C.F.R. § 42.72.

It is, therefore,

ORDERED that the joint motion to terminate these proceedings is
GRANTED and the proceedings are hereby terminated; and

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FURTHER ORDERED that the parties' joint requests that the settlement agreements be treated as business confidential information and shall be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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