

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONAGHAN MEDICAL CORP.,

Petitioner,

v.

SMITHS MEDICAL ASD, INC.,

Patent Owner.

**Case No. IPR 2018-01466
U.S. Patent No. 7,059,324**

**MONAGHAN MEDICAL CORP. AND SMITHS MEDICAL ASD, INC.'S
JOINT MOTION TO TERMINATE PROCEEDING PURUSANT TO
35 U.S.C. § 317 AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317, 37 C.F.R. § 42.74, and the Patent Trial and Appeal Board email of October 23, 2018, authorizing the filing of the present motion, Petitioner Monaghan Medical Corp. and Patent Owner Smiths Medical ASD, Inc. (the “Parties”) jointly request termination of the *inter partes* review of U.S. Patent No. 7,059,324, Case No. IPR 2018-01466, without prejudice to either Party.

I. Termination as to the Patent Owner and Petitioner Is Appropriate

The *inter partes* review has not been instituted. Petitioner filed its petition on August 1, 2018, and Patent Owner’s Preliminary Response is not due until November 8, 2018. (*See* Papers 2-3.)

The Parties have settled their dispute and have agreed to request termination of this *inter partes* review proceeding. More specifically, the Parties have agreed to settle and dismiss their related district court litigation (*Monaghan Medical Corp. v. Smiths Medical ASD, Inc.*, No. 1:17-cv-00712 (D. Del.)), and have also agreed to jointly request termination of this proceeding and the related *inter partes* review proceeding for U.S. Patent No. 6,581,598, Case No. IPR 2018-01481.

II. Treatment of Settlement Agreement As Business Confidential Information

Pursuant to 37 C.F.R. § 42.74(c), the Parties' settlement agreement has been made in writing and a true and correct copy of the settlement agreement is being filed concurrently with the present motion as Exhibit 1019.

The Parties hereby jointly request that the settlement agreement be treated as business confidential information and be kept separate from the files of the above captioned IPR pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

III. Conclusion

For the foregoing reasons, the Parties jointly and respectfully request termination of the present proceeding, Case No. IPR 2018-01466, without prejudice to either Party.

Dated: October 24, 2018

Respectfully Submitted,

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EXHIBIT LIST

Exhibit	Description
1019	Confidential Settlement Agreement [Available to Parties and Board Only]

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