

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIGEL PHARMACEUTICALS, INC.,
Petitioner,

v.

SERVIER PHARMACEUTICALS LLC,
Patent Owner.

IPR2022-01423
Patent 10,610,125 B2

Before GRACE KARAFFA OBERMANN, DONNA M. PRAISS,
and CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. INTRODUCTION

On August 15, 2022, Petitioner filed a Petition requesting a *inter partes* review of claims 1–5 and 9–12 of U.S. Patent No. 10,610,125 B2 (Ex. 1001). Paper 2. On December 27, 2022, with Board authorization (Ex. 3002), the parties filed a “Joint Motion to Terminate” (Paper 9) and, under seal, two Settlement Agreements (Ex. 1059; Ex. 1060). The parties also filed a “Joint Request to Treat Exhibits 1059 and 1060 as Business Confidential Information,” seeking to maintain the Settlement Agreements separate from the public file under 37 C.F.R. § 42.74(c). Paper 10.

II. DISCUSSION

The parties state that they “have reached a settlement that addresses this proceeding” and, on that basis, “request that the Board terminate IPR2022-01423 with prejudice.” Mot. 1. The parties attest that, aside from the Settlement Agreements, “there are no other agreements, oral or written, between the [p]arties made in connection with, or in contemplation of, the termination of the proceeding.” Paper 9 at 1. The parties also point out that the Settlement Agreements, by their express terms, “are to be maintained as confidential by the [p]arties and, subject to certain exceptions, may not be disclosed to any third parties without the express written consent of the non-disclosing party.” Paper 10 at 1; *see* Ex. 1059 ¶ 8.1; Ex. 1060 ¶ 8.1.

This proceeding is at an early stage, and we have not yet decided whether to institute review of the challenged claims. In view of the early stage of the proceeding and the Settlement Agreements, we determine that good cause exists to dismiss the petition and terminate the proceeding. Based on our review of the Settlement Agreements, including the terms that expressly require the parties to maintain those agreements as confidential,

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we also determine that good cause exists to treat Exhibits 1059 and 1060 as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

It is

ORDERED that the “Joint Request to Treat Exhibits 1059 and 1060 as Business Confidential Information” (Paper 10) is *granted*, and the Settlement Agreements (Ex. 1059 and Ex. 1060) shall be kept separate from the files of U.S. Patent 10,610,125 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the “Joint Motion to Dismiss” (Paper 9) is *granted*, the Petition in IPR2022-01423 is dismissed, and the proceeding is *terminated* with respect to Petitioner and Patent Owner, pursuant to 37 C.F.R. § 42.72.

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