

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CATHWORKS LTD,

Petitioner

v.

HEARTFLOW, Inc.,

Patent Owner

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Case PGR2018-00006  
Patent No. 9,613,186 B2

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Before LORA M. GREEN, ULRIKE W. JENKS, and  
SUSAN L. C. MITCHELL, Administrative Patent Judges.

JENKS, *Administrative Patent Judge.*

TERMINATION  
Dismissing the Petition  
*35 U.S.C. § 327 and 37 C.F.R. §42.71(a)*

On March 29, 2018, the parties filed a joint motion to terminate the proceeding and joint request to treat settlement and license agreement as business confidential of the post grant review of U.S. Patent No. 9,613,186 B2. Paper 6 (“Motion” or “Mot.”). The parties also filed a true copy of the settlement and license agreement (“Agreement”). Ex. 2001. The parties identified the Agreement as business confidential information and requested that the Agreement be kept separate from the patent file under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). Mot. 4.<sup>1</sup>

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. Here, the proceeding is still in its early stages as the Board has not issued a decision on institution. The parties indicate that, pursuant to the Agreement, they have settled their dispute regarding U.S. Patent No. 9,613,186 B2. Mot. 3. Moreover, the parties also indicate that they are not involved in any pending related litigation, and that there are no related proceedings currently before the office. *Id.* at 2–3. Under these circumstances, we determine that it is appropriate to dismiss the petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

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<sup>1</sup> We note that the parties filed a single paper requesting termination and that the settlement agreement be treated as business confidential. *See* Paper 6. Although we will accept the single paper in this proceeding, we note that the better practice is to file the request to treat the settlement as business confidential as a separate paper.

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In consideration of the foregoing, it is hereby:

ORDERED that the joint motion to terminate post grant review of U.S. Patent No. 6,026,527” (Paper 6) is *granted*;

FURTHER ORDERED that the Petition for post grant review of the above referenced patent is *dismissed*;

FURTHER ORDERED that this proceeding is *terminated* to all parties; and

FURTHER ORDERED that the requested to treat the Agreement (Ex. 2001) as business confidential information and be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

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