

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMPHONY HEALTH SOLUTIONS CORPORATION,
Petitioner,

v.

IMS HEALTH INCORPORATED,
Patent Owner.

Case CBM2015-00070
Patent 6,397,224

Before MICHAEL P. TIERNEY, HYUN J. JUNG, and J. JOHN LEE,
Administrative Patent Judges.

TIERNEY, *Administrative Patent Judge.*

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

On January 29, 2016, and pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74, the parties filed a copy of a settlement agreement (Ex. 2002) along with a joint request to treat the settlement agreement as business confidential kept separate from the patent file (Paper 16). In addition, the

parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 327. Paper 15.

The standard for settling a covered business method patent review is set forth in 35 U.S.C. § 327(a), which provides that a review shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, if the settlement agreement includes all parties. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The parties have filed such an agreement. Ex. 2002. In their accompanying motion to terminate, the parties indicate that they have settled their dispute with regard to U.S. Patent No. 6,397,224, including the underlying patent litigation between them, *IMS Health Inc. v. Symphony Health Solutions Corp. et al.*, C.A. No. 13-2071-GMS (D. Del.).

Oral argument has not yet been held. Under these circumstances, we are persuaded that it is appropriate to terminate this proceeding with respect to both Petitioner and Patent Owner. Based on the facts of this case, it is appropriate to enter judgment.¹ Therefore, the joint motion to terminate the proceeding is GRANTED.

¹ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

Accordingly, it is

ORDERED that the parties' request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED;

FURTHER ORDERED that the proceeding is TERMINATED.

CBM2015-00070

Patent 6,397,224

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