

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RANBAXY LABORATORIES, LTD. AND RANBAXY, INC.
Petitioner

v.

VERTEX PHARMACEUTICALS, INC.
Patent Owner

Case IPR2013-00024
Patent 6,436,989

Before SALLY GARDNER LANE, RAE LYNN P. GUEST, and DEBORAH KATZ,
Administrative Patent Judges.

LANE, *Administrative Patent Judge.*

JUDGMENT
TERMINATION OF THE PROCEEDING
37 C.F.R. § 42.73

The parties indicate that they have reached settlement and jointly move to terminate this trial proceeding. (Joint Motion (Paper 69) filed 31 October 2013). *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties have filed under seal a copy of the written Settlement Agreement. (Exhibit 3001 (attached to the Joint Motion as Exhibit A)). The parties represent that “[t]here is no related litigation between the parties” (Joint Motion at 3).¹

This trial was instituted on March 5, 2013 (Decision, Paper 16). The Patent Owner filed a Response (Response, Paper 47) but did not file a Motion to Amend. Under these particular circumstances the Board determines that it is appropriate to terminate the trial without rendering a final written decision. *See* 37 C.F.R. § 42.72.

Order

It is

ORDERED that the joint motion to terminate the proceeding is GRANTED and the proceeding is hereby terminated; and

1 The parties direct the Board to pending litigation, *ViiV Healthcare Co. et al. v. Mylan Inc. et al.*, No. 12-1065-RGA (D.Del)(filed Aug. 22, 2012), to which Patent Owner is a party. However, Petitioner is not a party to the litigation. (Joint Motion at fn.1).

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, kept separate from the file of the involved patents, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

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