

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATOM MEDICAL INTERNATIONAL, INC.,
Petitioner,

v.

DRAEGER MEDICAL SYSTEM, INC.,
Patent Owner.

Cases IPR2014-00095 (Patent 6,483,080)
IPR2014-00194 (Patent 7,335,157)
IPR2014-00232 (Patent 6,345,402)¹

Before MITCHELL G. WEATHERLY, CHRISTOPHER L. CRUMBLEY, and
ADAM V. FLOYD, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceedings
37 C.F.R. § 42.72

On February 10, 2014, and pursuant to 35 U.S.C. § 317, the parties filed joint motions to terminate these proceedings. IPR2014-00095, Paper 14; IPR2014-

¹ This order addresses issues that are the same in the three cases. We, therefore, exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

Case IPR2014-00095, Patent 6,483,080
Case IPR2014-00194, Patent 7,335,157
Case IPR2014-00232, Patent 6,345,402

00194, Paper 7; IPR2014-00232, Paper 7. Accompanying the motions, the parties filed true copies of a settlement agreement, and requested in the joint motions that the settlement agreement be treated as business confidential, to be kept separate from the patent file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2014-00095, Ex. 1010; IPR2014-00194, Ex. 1010; IPR2014-00232, Ex. 1009.

Ordinarily, a motion will not be entered absent prior authorization of the Board. 37 C.F.R. § 42.20(b). Once parties enter into a settlement agreement, authorization to file a joint motion to terminate may be sought. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). In these cases, the parties failed to follow the correct procedure and filed the joint motions without prior authorization. However, based on the particular facts of the cases, we discern no prejudice to either party, or the public. We therefore exercise our discretion to consider the filing of the joint motions to include a request for authorization to file, and hereby grant such authorization.

Turning the merits of the motions, we note that these cases are in the preliminary proceeding² stage; no decision whether to institute a trial has been made. Based on the facts of the cases, it is appropriate to terminate the proceedings. Therefore, the joint motions to terminate the proceedings are *granted*.

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*;

² A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

Case IPR2014-00095, Patent 6,483,080

Case IPR2014-00194, Patent 7,335,157

Case IPR2014-00232, Patent 6,345,402

FURTHER ORDERED that the joint motions to terminate the proceedings are *granted*;

FURTHER ORDERED that the proceedings are *terminated*.

Case IPR2014-00095, Patent 6,483,080
Case IPR2014-00194, Patent 7,335,157
Case IPR2014-00232, Patent 6,345,402

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