

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRISM PHARMA CO., LTD.,
Petitioner,

v.

CHOONGWAE PHARMA CORPORATION,
Patent Owner.

Case IPR2014-00315
Patent 8,318,738 B2

Before LORA M. GREEN, SHERIDAN K. SNEDDEN, and
ZHENYU YANG, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

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

On September 10, 2014, and pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, the parties filed a copy of a settlement (Paper 19)¹ agreement along with a joint request to treat the settlement agreement as business confidential, to be separate from the patent file. Paper 18. The

¹ We note that the confidential settlement agreement should have been filed as an exhibit, rather than as a paper.

parties filed also a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317. Paper17.

We note that we denied institution of *inter partes* review on July 8, 2014. Paper 14. Petitioner, however, filed a Request for Rehearing Pursuant to 37 C.F.R. § 42.71 of our decision not to institute trial, and that Request has not yet been decided. Thus, the possibility that trial may be instituted still remains. Petitioner also withdraws its Request for Rehearing in view of the joint motion to terminate. Based on the facts of this case, it is appropriate to enter judgment.² Therefore, the joint motion to terminate the proceeding is 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;

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

FURTHER ORDERED that the proceeding is TERMINATED.

² A judgment means a final written description by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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