

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBUS MEDICAL, INC.
Petitioner

v.

ALTUS PARTNERS, LLC
Patent Owner

Case IPR2014-00429
Patent 8,162,989

Before PHILLIP J. KAUFFMAN, SCOTT E. KAMHOLZ,
and JAMES A. TARTAL, *Administrative Patent Judges*.

KAMHOLZ, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.74

The parties filed a joint motion to terminate the instant proceeding (Paper 7 (“Mot.”)), and a true copy of their written settlement agreement (Paper 9) made in connection with the termination, in accordance with 35 U.S.C. § 317 and 37 C.F.R. § 42.74(b). The parties also filed a joint request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8.

For the reasons provided below, the joint motion to terminate is granted. The joint request that the settlement agreement be treated as business confidential information is also granted.

While the parties may agree to settle their issues related to the involved patent, U.S. Patent No. 8,162,989 (“the ’989 patent”), the Board is not a party to the settlement and may determine independently any question of patentability. 37 C.F.R. § 42.74(a).

Patent Owner has not yet filed a Preliminary Response, and the Board has not yet made a decision whether to institute *inter partes* review. Mot. 2. The parties have also stipulated to dismissal of related litigation *Altus Partners, LLC v. Globus Medical, Inc.*, No. 2:13-cv-00822-RK (E.D. Pa.). *Id.*

In view of the parties’ settlement agreement made in connection with the termination in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), we determine that it is appropriate to terminate the involvement of Globus. Moreover, in view of the early stage of this proceeding, and the concurrent settlement of the district court litigation, we determine that it also is appropriate to terminate the proceeding with respect to Altus. As a result, it is appropriate to enter judgment in the form of termination. See 37 C.F.R. § 42.2.

Accordingly, it is

ORDERED that the joint motion to terminate IPR2014-00429 is *granted*, and this proceeding is hereby terminated as to all parties, including petitioner Globus Medical, Inc. and Patent Owner Altus Partners, LLC; and

FURTHER ORDERED that the joint request that the settlement agreement be treated as business confidential information and be kept separate from the patent files under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

Case IPR2014-00429
Patent 8,162,989

PETITIONER:

Steven Baughman
Marc Cavan
ROPES & GRAY LLP

PATENT OWNER:

Erich M. Falke
John W. Caldwell
BAKER & HOSTETLER LLP