

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IMPAX LABORATORIES, INC.
Petitioner

v.

MEDA PHARMACEUTICALS INC.
Patent Owner

Case IPR2014-00731
Patent 8,071,073 B2

Before JACQUELINE WRIGHT BONILLA, GRACE KARAFFA OBERMANN,
and DONNA M. PRAISS, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

ORDER
Termination of Proceeding
37 C.F.R. § 42.72

On June 26, 2014, the parties filed a Joint Motion to Terminate this proceeding under 35 U.S.C. § 317(a) with respect to both Petitioner, Impax Laboratories, Inc., and Patent Owner, Meda Pharmaceuticals Inc. Paper 9. On the same day, the parties filed a copy of their written settlement agreement relating to U.S. Patent No. 8,071,073 B2 involved in this proceeding. Ex. 1020. In addition, the parties 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 10. The parties represent that the settlement agreement filed as Exhibit 1020 is a true and accurate copy of their settlement agreement. Paper 9, 2.

This case is in the preliminary proceeding¹ stage; no decision whether to institute a trial has been made. The Joint Motion to Terminate indicates that the parties have “executed a settlement agreement to terminate this proceeding and the parties’ related district court litigation: *Meda Pharmaceuticals Inc. v. Apotex Inc., Apotex Corp., Perrigo Israel Pharmaceutical Ltd., Perrigo Company., L. Perrigo Company., and Impax Laboratories, Inc.*, C.A. No. 12-361 (JAP) (TJB) (D.N.J.).” Paper 9, 2; *see also* Paper 2, 1; Paper 5, 1-2. The Joint Motion to Terminate states that “the parties are unaware of any other matter before the USPTO that would be affected by the outcome of this proceeding. *Id.* at 3. The parties also filed a copy of a Findings of Fact and Consent Judgment and Order in the related district court case. Ex. 1019.

The Board generally expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). Considering the facts and early stage of this

¹ 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.

proceeding, we agree with the parties that it is appropriate to terminate this proceeding.

Accordingly, it is

ORDERED that the joint motion to terminate the proceeding is *granted*;

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information, kept separate from the files of the involved patent, and made available only to the persons identified in 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that the proceeding is terminated.

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For PETITIONER:

Herbert D. Hart III
Aaron F. Barkoff
MCANDREWS, HELD & MALLOY, LTD.
hhart@mcandrews-ip.com
abarkoff@mcandrews-ip.com

For PATENT OWNER:

Eldora L. Ellison
Peter A. Jackman
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
Eellison-PTAB@skgf.com
Pjackman-PTAB@skgf.com