

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IVERA MEDICAL CORPORATION,
Petitioner,

v.

CATHETER CONNECTIONS, INC.,
Patent Owner.

Case IPR2014-01124
Patent 8,647,326

Before JOSIAH C. COCKS, MEREDITH C. PETRAVICK and JOHN G. NEW,
Administrative Patent Judges.

COCKS, *Administrative Patent Judge.*

ORDER
Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. § 42.72

On June 18, 2015, Petitioner, Ivera Medical Corporation (“Ivera”), and Patent Owner, Catheter Connections, Inc. (“Catheter”) (collectively referred to as “the parties”) filed a “Joint Motion to Terminate Proceeding Under 35 U.S.C. § 317 and 37 C.F.R. § 42.74” (Paper 22) and a “Joint Motion to Treat Agreement as Business Confidential Under 35 U.S.C. § 317(b) and C.F.R. § 42.74(c)” (Paper 23).¹ The parties also filed a copy of their written settlement agreement.² The parties state that they “have reached agreement regarding their dispute relating to [U.S. Patent 8,647,326].” Paper 22, 2.

The parties are reminded that the Board is not a party to the settlement and may identify independently any question of patentability. 37 C.F.R. § 42.74(a). Generally, however, the Board 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). Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” The requirement for terminating review with respect to Ivera is met. Furthermore, under 35 U.S.C. § 317(a), “[i]f no petitioner remains in the *inter partes* review, the Office may terminate the review or proceed to a final written decision under section 318(a).” Ivera is the sole petitioner in this review. The Board has discretion to terminate this review with respect

¹ The parties were authorized to file the noted Papers in e-mail correspondence from Board personnel on June 15, 2015.

² The settlement agreement is presented as a part of Paper 23 and is designated “EX 2004.”

to Catheter, and we are cognizant that the motion to terminate was filed jointly by the parties. We observe also that briefing is not yet complete in this proceeding.³

Upon consideration of the circumstances of this case, the panel has determined to terminate this *inter partes* review as to both Ivera and Catheter without rendering a final written decision. The oral argument scheduled for October 7, 2015, is cancelled.

It is

ORDERED that the joint motion to terminate this proceeding (Paper 22) is *granted* and this proceeding is hereby *terminated*;

FURTHER ORDERED that, as was timely requested by the parties, the settlement agreement (part of Paper 23) will be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

³ The panel entered a Decision to institute trial on January 21, 2015 (Paper 11). Catheter filed a Patent Owner Response on April 20, 2015 (Paper 21). Ivera has not filed any reply.

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