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Paper 22
Entered: June 19, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GALDERMA S.A. &
Q-MED AB,
Petitioner,

v.

ALLERGAN INDUSTRIE, SAS,
Patent Owner.

IPR2014-01422 (Patent 8,357,795 B2)
IPR2014-01417 (Patent 8,450,475 B2)[1]

Before LORA M. GREEN, SHERIDAN SNEDDEN,
and ROBERT A. POLLOCK,
Administrative Patent Judges.

POLLOCK, *Administrative Patent Judge*.

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

[1] This Decision addresses issues that are identical in both cases. The parties attest that word-for-word identical papers have been filed in both cases and we exercise our discretion to issue one order to be filed in each case. Solely for convenience, we refer herein to papers filed in IPR2015–01422.

On June 12, 2015, the parties informed the Board that the parties had settled the proceedings and sought authorization to file a joint motion to terminate the proceedings. On June 15, 2015, the Board authorized the parties to file a joint motion to terminate. Paper 19. On June 18, 2015, the parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317. Paper 20. The parties also filed a copy of a settlement agreement (Ex. 1068) along with a joint request to treat the settlement agreement as business confidential, to be separate from the patent file. Paper 21. In the joint motions, the parties represent that the settlement agreement filed is a true copy and resolves all Patent Office and District Court proceedings between the parties involving US Patent No. 8,357,795 B2, including the related U.S. District Court litigation in the Central District of (Civil Action No. 8:13-cv-01436-AG-JPR). Paper 21.

We note that we denied institution of *inter partes* review on March 5, 2015. 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. *Id*. Based on the facts of this case, it is appropriate to enter judgment.[2] The joint motion to terminate the proceeding is, therefore, GRANTED.

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

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.

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