

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIOTRONIK, INC., LIFESCAN, INC., and SOTERA WIRELESS, INC.,
Petitioner,

v.

MY HEALTH, INC.,
Patent Owner.

Case IPR2015-00102
Patent 6,612,985 B2

Before BRAIN J. McNAMARA, JAMES A. TARTAL, and
SUSAN L. C. MITCHELL *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION

Joint Motion to Terminate *Inter Partes* Review
with Respect to Biotronik, Inc.
35 U.S.C. § 317 and 37 C.F.R. § 42.72

I. DISCUSSION

On July 13, 2015, My Health, Inc., (“Patent Owner”) and Biotronik, Inc. (“Biotronik”), (collectively, “the parties”), filed a Joint Motion to Terminate this *inter partes* review proceeding with respect to Biotronik (Paper 17), including a joint request to have their settlement agreement treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties also filed a true copy of their written settlement agreement. Ex. 1014. The parties indicated in their Joint Motion to Terminate that termination of this proceeding is appropriate because they have reached an agreement regarding their dispute with respect to U.S. Patent No. 6,612,985 B2 (“the ’985 patent”). *See* Paper 17, 2.

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.” This proceeding is in its early stages. Although we instituted an *inter partes* review of claims 1–9 of the ’985 patent on April 16, 2015 (Paper 11), Patent Owner has not filed a Patent Owner Response. Additionally, motions to terminate *inter partes* review with respect to both of the other petitioning parties, Lifescan, Inc., and Sotera Wireless, Inc., were granted. Papers 14 and 18.

Further, under 37 C.F.R. § 42.74(b), “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial.” As

the parties have filed their written settlement agreement, we determine that it is appropriate to terminate this proceeding as to Biotronik.

II. ORDER

Accordingly, it is:

ORDERED that the parties' Joint Request to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED;

ORDERED that the parties' Joint Motion to Terminate *Inter Partes* Review with Respect to Biotronik, Inc., is GRANTED; and,

ORDERED that his proceeding is hereby terminated.

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