

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MEDTRONIC, INC.,  
Petitioner,

v.

MARK A. BARRY,  
Patent Owner.

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IPR2015-00780  
Patent 7,670,358 B2  
IPR2015-00783  
Patent 7,776,072 B2<sup>1</sup>

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Before DONNA M. PRAISS, BRIAN J. McNAMARA, and  
JEREMY M. PLENZLER, Administrative Patent Judges

McNAMARA, *Administrative Patent Judge*.

TERMINATION  
Due to Settlement After Institution of Trial  
*35 U.S.C. § 317; 37 C.F.R. § 42.74*

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<sup>1</sup> This order is to be filed in each case. The parties are not authorized to use this style heading in any subsequent paper.

The parties have requested the proceedings that are the subject of this Order (“the Proceedings”) be terminated pursuant to a settlement. On March 31, 2020, in each of the Proceedings, we authorized the parties to file a Joint Motion To Terminate and a Joint Request that the Settlement Agreement Be Treated As Business Confidential Information under 37 C.F.R. 42.74(c). On April 1, 2020, in each of the Proceedings, the parties filed a Joint Motion to Terminate and a Joint Request That The Settlement Agreement Be Treated As Business Confidential Information and Kept Separate. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of a written settlement agreement in each of the Proceedings.

Each of the Proceedings was the subject of a final written decision that was affirmed-in-part by the Court of Appeals for the Federal Circuit (“the Court”). These Proceedings are now before us on remand from the Court for reconsideration of certain issues. In view of the advanced stage of the proceedings and the agreement between the parties, we find the parties have explained adequately that termination is appropriate. The parties have not identified any other related matter and have certified that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of each of the Proceedings. Under these circumstances, the Board finds it is appropriate to terminate each of the Proceedings. 37 C.F.R. § 42.72.

It is, therefore,

ORDERED that the joint motion to terminate each of the Proceedings is GRANTED and each of the Proceedings is hereby terminated; and

FURTHER ORDERED that the parties’ joint request that the settlement agreement be treated as business confidential information which

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shall be kept separate from the file of the involved patents under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) in each of the Proceedings is GRANTED.

PETITIONER: (via electronic transmission)

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