

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDSHAPE, INC.,
Petitioner,

v.

CAYENNE MEDICAL, INC.,
Patent Owner.

Case IPR2015-00847
Patent 7,651,528 B2

Before JAMES P. CALVE, MITCHELL G. WEATHERLY, and
JAMES A. TARTAL, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

JUDGMENT

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

The parties have requested that this trial be terminated pursuant to a settlement. On June 6, 2016, we authorized the parties via e-mail to file a joint request to terminate this proceeding and to file the settlement agreement as business confidential information under 37 C.F.R. § 42.74(c). The parties filed their joint motion on June 7, 2016. Paper 23. With their

joint motion to terminate, the parties also filed a copy of a written settlement agreement that they request be kept confidential. Paper 24, at 1; Ex. 2010.

We instituted trial in this proceeding on September 14, 2015. Paper 9. On May 26, 2016, we entered an Order setting the oral hearing in this proceeding, Paper 20, but canceled that hearing at the parties' request on June 7, 2016, Paper 22. The parties indicate that they have agreed to resolve all disputes between them related to the challenged patent. Paper 23, at 3. We have not entered a Final Written Decision and will not conduct a hearing in this proceeding. Under these circumstances, we determine that it is appropriate to enter judgment and terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

Accordingly, it is

ORDERED that the Joint Motion to Terminate *Inter Partes* Review under 35 U.S.C. § 317 and 37 C.F.R. § 42.74 is *granted*;

FURTHER ORDERED that the Joint Request that the Confidential Settlement Agreement (Ex. 2010) Be Treated as Business Confidential Information and Kept Separate Under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c), is *granted*.

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