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Paper 18
Entered: February 22, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZIMMER BIOMET HOLDINGS, INC. and
ZIMMER DENTAL INC.,
Petitioner,

v.

FOUR MILE BAY, LLC,
Patent Owner.

Case IPR2015-01058
Patent 8,684,734 B1

Before BENJAMIN D. M. WOOD, RICHARD E. RICE, and TIMOTHY J. GOODSON, *Administrative Patent Judges.*

RICE, *Administrative Patent Judge*.

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

On February 19, 2016, the Parties filed a Joint Motion to Terminate Proceeding (Paper 15), jointly requesting based on a Settlement Agreement (Ex. 1015) that we terminate the instant *inter partes* review proceeding involving U.S. Patent No. 8,684,734 B1 ("the '734 patent"). The panel authorized the filing of the Motion to Terminate via e-mail on February 16, 2016. The Parties also filed a Joint Request to Treat Settlement Agreement as Business Confidential under 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). Paper 16.

The Parties state in support of their Motion to Terminate:

> Termination of this proceeding is appropriate because a final written decision has not been reached and the Parties will no longer be participating in this proceeding. The Parties have settled their disputes and executed a settlement agreement to terminate the IPR proceedings involving the '734 patent (IPR2015-0l058, -1059), as well as the district court litigation involving the '734 patent: *Four Mile Bay LLC v. Zimmer Holdings, Inc. et al.*, Civil Action No. 3:14-CV-1300 (NB)-(JEM) (N.D. Ind.). The Parties filed a stipulation of dismissal in the related district court action on February 11, 2016.

Paper 15, 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." 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)." Generally, 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).

In this case, the proceeding is at a relatively-early stage, and the Parties have filed with the Board a true copy of their Settlement Agreement agreeing to terminate the proceeding.

Upon consideration of the circumstances of this case, the panel has determined that termination of this *inter partes* review is appropriate without rendering a final written decision.

Accordingly, it is:

ORDERED that the Parties' Request to Treat Settlement Agreement as Business Confidential (Paper 16) is hereby *granted*;

FURTHER ORDERED that the Parties' Settlement Agreement (Ex. 1015) shall be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c);

FURTHER ORDERED that the Parties' Motion to Terminate (Paper 15) is hereby *granted*; and

FURTHER ORDERED that this proceeding is hereby *terminated*.

PETITIONER:

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