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Paper No. 23
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBUS MEDICAL, INC.,
Petitioner,

v.

BONUTTI SKELETAL INNOVATIONS LLC,
Patent Owner.

IPR2015-01333 (Patent No. 8,795,363 B2)
IPR2015-01335 (Patent No. 8,486,066 B2)
IPR2015-01339 (Patent No. 7,001,385 B2)

Before MEREDITH C. PETRAVICK, ERICA A. FRANKLIN, and BENJAMIN D. M. WOOD, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER
Termination of Proceedings
35 U.S.C. § 317 and 37 C.F.R. § 42.72

INTRODUCTION

On June 13, 2016, the parties filed joint motions to terminate these proceedings (Paper 24[1]), along with a true copy of their written settlement agreement made in connection with the termination of these proceedings (Ex. 2019). The parties also filed joint requests to treat the settlement agreement as business confidential information. Paper 25. The Board authorized these filings via email on June 10, 2016. For the reasons set forth below, the motions and requests are granted.

DISCUSSION

Under 35 U.S.C. § 317(a), an *inter partes* review proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Patent and Trademark Office has decided the merits of the proceeding before the request for termination is filed. Here, a Decision to Institute was entered (Paper 9) and a Patent Owner's Response was filed (Paper 22), but Petitioner has not yet filed its reply and oral argument has yet to be held. Thus, the merits have not been decided. 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)." Petitioner is the sole petitioner in this review. The Board has discretion to terminate this review with respect to Patent Owner.

[1] For the purposes of this Order, IPR2015-01333 is representative and all citations are to papers in IPR2015-01333 unless otherwise noted.

Under 35 U.S.C. § 317(b), any agreement or understanding between a patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of the proceeding shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office. The parties state that they have settled their dispute and have reached a written agreement to terminate this proceeding. Paper 24, 1–2. In support of the joint motion, the parties submitted a true copy of their written agreement. Ex. 2019.

Upon consideration of the facts in the proceedings before us, we grant the joint motions and terminate these proceedings as to both Petitioner and Patent Owner without rendering a final written decision. 37 C.F.R. § 42.74. We also grant the joint requests to maintain the settlement agreement as business confidential information in accordance with 37 C.F.R. § 42.74(c).

CONCLUSION

It is:

ORDERED that the joint motions to terminate these proceedings are *granted*, and these proceedings are, hereby, *terminated*; and

FURTHER ORDERED that the parties' joint requests that the settlement agreement be treated as business confidential information and kept separate from the file of the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are *granted*.

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