

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROCHE DIAGNOSTICS OPERATIONS, INC. and ROCHE
DIAGNOSTICS CORPORATION, Petitioner,

v.

ABBOTT LABORATORIES,
Patent Owner.

Case IPR2016-00233
Patent 7,932,369 B2

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
TINA E. HULSE, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

TERMINATION
Dismissing the Proceeding
37 C.F.R. § 42.5(a), 37 C.F.R. § 42.71(a)

On May 20, 2016, the parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317(a). Paper 9. The parties also filed a copy of a settlement agreement (Exhibit 2015), along with a joint request that the settlement agreement be treated as business confidential information and kept separate under 35 U.S.C. § 317(b) (Paper 10).

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). This case is in the preliminary proceeding stage, which begins with the filing of a petition and ends with a written decision as to whether trial will be instituted. *See* 37 C.F.R. § 42.2. Based on the facts of this case, we determine that it is appropriate to dismiss the case without rendering a decision as to whether a trial will be instituted. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). Therefore, the joint motion to terminate the case is GRANTED.

Accordingly, it is

ORDERED that the parties' request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motion to terminate the case is GRANTED;

FURTHER ORDERED that the Petition for *inter partes* review is DISMISSED.

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