

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMITH & NEPHEW, INC. and
ARTHROCARE CORP.,
Petitioner,

v.

ARTHREX, INC.,
Patent Owner.

IPR2016-00505 (Patent 8,343,186 B2)
IPR2016-00506 (Patent 8,623,052 B2)
IPR2016-00507 (Patent 8,801,755 B2)
IPR2016-00508 (Patent 8,801,755 B2)¹

Before WILLIAM V. SAINDON, BARRY L. GROSSMAN, and
TIMOTHY J. GOODSON, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

ORDER

Termination of the Proceedings After Institution Due to Settlement
35 U.S.C. § 317 and 37 C.F.R. § 42.72

¹ We use this caption to indicate that this Decision applies to, and is entered in, each of the four listed cases. The parties are not authorized to use this caption.

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Pursuant to authorization by the Board, Smith & Nephew, Inc. and ArthroCare Corp. (jointly “Petitioner”) and Arthrex, Inc. (“Patent Owner”) filed a Joint Motion to Terminate, jointly requesting termination of *inter partes* review proceedings IPR2016-00505–00508 (Paper 15) (“Joint Motion”).² The parties also filed a Supplement to the Joint Motion (Paper 17) that updated the exhibit list to add the executed Settlement Agreement (Ex. 1049) as an exhibit in these proceedings.

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. Trial was instituted on July 27, 2016 (Paper 10). Patent Owner has not yet filed its Response. The Board has not decided the merits of these proceedings.

Under 35 U.S.C. § 317(b), any agreement or understanding between the 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. Patent Owner and Petitioner state in the Joint Motion that the parties have agreed to settle their dispute and have reached a written agreement to terminate these proceedings. Joint Motion 1–2. In support of the Joint

² We cite to the record in IPR2016-00505. Similar documents were filed in all four cases.

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Motion, the parties submitted Exhibit 1049, which they represent is a true, complete, and correct copy of the agreement.

Upon consideration of the Joint Motion, we grant the Joint Motion and terminate each proceeding as to both Petitioner and Patent Owner without rendering a final written decision. 37 C.F.R. § 42.72.

ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate the proceedings in each of IPR2016-00505, IPR2016-00506, IPR2016-00507, and IPR2016-00508 is *granted* and, accordingly, these proceedings are hereby *terminated*.

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