

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HEATHCO LLC,  
Petitioner,

v.

VAXCEL INTERNATIONAL CO., LTD.,  
Patent Owner.

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Case IPR2016-00799  
Patent 8,310,163 B2

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Before BARBARA A. BENOIT, LYNNE E. PETTIGREW, and  
STACY B. MARGOLIES, *Administrative Patent Judges*.

MARGOLIES, *Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding  
37 C.F.R. § 42.72

On December 2, 2016, the parties filed a joint motion to terminate, along with a true copy of their written agreement made in connection with the termination of this proceeding, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). Paper 13; Ex. 2001. The parties request termination of the proceeding and state that they have agreed to settle and dismiss their related district court litigation. Paper 13, 2. The parties also filed a copy of a notification of docket entry dismissing the related district court litigation with prejudice. Ex. 2002. The parties also jointly request to have their agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 13, 2.

On August 23, 2016, we instituted trial. Paper 9. The Board does not have before it full briefing on the trial issues and the Board has not entered a final decision.

Based on the facts of this proceeding, it is appropriate to enter judgment without rendering a final written decision. *See* 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.2, 42.72.

Accordingly, it is:

ORDERED that the parties' joint request that the 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 proceeding is *granted*; and

FURTHER ORDERED that the proceedings are *terminated*.

IPR2016-00799  
Patent 8,310,163 B2

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