

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.

IPR2016-00483 (Patent 6,511,499 B2)
IPR2016-00485 (Patent 7,195,634 B2)
IPR2016-00486 (Patent 6,511,499 B2)
IPR2016-00487 (Patent 7,195,634 B2)
IPR2016-00817 (Patent 6,875,216 B2)
IPR2016-00818 (Patent 7,322,986 B2)
IPR2016-00819 (Patent 6,629,977 B1) 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 seven 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 Joint Motions to Terminate, jointly requesting termination of *inter partes* review proceedings in each of IPR2016-00483, IPR2016-00485, IPR2016-00486, IPR2016-00487, IPR2016-00817, IPR2016-00818, and IPR2016-00819. Paper 29 (“Joint Motion”).² The parties also filed a true copy of a written settlement agreement (Ex. 1090), along with a joint request to keep the agreement confidential. Paper 30.

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. 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

² We cite to the record in IPR2016-00485. Similar documents were filed in all seven cases.

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terminate these proceedings. Joint Motion 1–2. In support of the Joint Motion, the parties submitted Exhibit 1090, which they represent is a true, complete, and correct copy of the agreement. *Id.* at 1.

Upon consideration of the Joint Motions, we grant the Joint Motions and terminate each proceeding as to both Petitioner and Patent Owner without rendering a final written decision. 37 C.F.R. § 42.72. We also grant the Joint Requests to treat the settlement agreement as confidential business information and to maintain the agreement separate from the public file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate the proceedings in each of IPR2016-00483, IPR2016-00485, IPR2016-00486, IPR2016-00487, IPR2016-00817, IPR2016-00818, and IPR2016-00819 is *granted* and, accordingly, these proceedings are hereby *terminated*; and

FURTHER ORDERED that the Joint Requests to treat the settlement agreement as confidential business information and to maintain the agreement separate from the public file pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) are hereby *granted*.

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