

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACURA PHARMACEUTICALS, INC.,
Petitioner,
v.

PURDUE PHARMA L.P., THE P.F. LABORATORIES, INC., PURDUE
PHARMACEUTICALS, L.P.,
Patent Owners.

Case IPR2016-00849
Patent 8,397,007 B2

Before MICHAEL P. TIERNEY, RAMA G. ELLURU, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

PAULRAJ, *Administrative Patent Judge*.

ORDER
Termination of the Proceeding
37 C.F.R. §§ 42.72, 42.74

The parties have requested that this proceeding be terminated pursuant to settlement of the dispute regarding U.S. Patent No. 8,397,007 B2. Paper 9. With their motion to terminate, the parties also filed a copy of a written settlement agreement (Exhibit 1055) that they request be kept confidential and separate from the patent file (Paper 10). 35 U.S.C. § 317(b).

This proceeding is in its early stages. We have not yet determined whether to institute *inter partes* review.¹ Under these circumstances, we determine it is appropriate to terminate this proceeding based on the settlement agreement. 47 C.F.R. §§ 42.72, 42.74.

Accordingly, it is

ORDERED that the joint motion to terminate the proceeding is granted; and

FURTHER ORDERED that the joint motion that the settlement agreement (Exhibit 1055) be treated as business confidential information and kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is granted; and

FURTHER ORDERED that the proceeding is terminated.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

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