

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERIAL, INC.,
Petitioner,

v.

FIDOPHARM, INC.,
Patent Owner.

Case IPR2016-01182
Patent 8,829,038 B2

Before MICHAEL P. TIERNEY, LORA M. GREEN, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

JUDGMENT
TERMINATION OF THE PROCEEDING
37 C.F.R. § 42.73

On December 21, 2016, the parties filed a joint motion (Paper 17) to terminate this trial proceeding. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. With the motion, the parties filed a copy of the written settlement agreement. Exhibit 1039. The parties request that the Board treat the settlement agreement as business confidential information under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 18.

This trial was instituted on November 7, 2016, and is in the preliminary stages. The Parties represent that there is no other pending litigation between the parties regarding the '038 Patent, and the written settlement agreement resolves their dispute regarding this matter. Paper 17, 1. Under these circumstances the Board determines that it is appropriate to terminate the trial without rendering a final written decision. 37 C.F.R. § 42.72.

It is, therefore,

ORDERED that the joint motion to terminate the proceeding is GRANTED and the proceeding is hereby terminated;

FURTHER ORDERED that the parties' joint request that the settlement agreement be treated as business confidential information is GRANTED. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 2.74(c), Exhibit 1039 shall be treated as business confidential information, kept separate from the file of the involved patents, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

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