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Paper No. 17
Entered: January 25, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME CORP.,
Petitioner,

v.

ONO PHARMACEUTICAL CO., LTD. and TASUKO HONJO,
Patent Owner.

Case IPR2016-01217 (Patent 9,067,999 B1)
Case IPR2016-01218 (Patent 9,067,999 B1)
Case IPR2016-01219 (Patent 9,073,994 B2)
Case IPR2016-01221(Patent 9,073,994 B2)[1]

Before ERICA A. FRANKLIN, TINA E. HULSE, and JACQUELINE T. HARLOW, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. §§ 42.72 – 42.74

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[1] This order addresses issues common to each of the captioned cases. Thus, we issue a single order for entry in each case.

On January 23, 2017, in each of the captioned cases, the parties filed a joint motion to terminate the proceeding under 35 U.S.C § 317 (a). Paper 14.[2] The parties also filed a true copy of their written settlement agreement. Ex. 2056. Additionally, citing to 35 U.S.C § 317 (b) and 37 C.F.R. § 42.74, the parties filed a joint request that the settlement agreement be treated as business confidential information and kept separate from the files of US Patent Nos. 9,067,999 B1 and 9,073,994 B2. Paper 15.

In each joint motion, the parties explain that termination of the proceeding is appropriate because they have reached an agreement settling their dispute with respect to the involved patent. Paper 14, 3. The parties explain also that the settlement requires the Patent Owner to dismiss with prejudice the related district court litigation, *Bristol-Myers Squibb et al. v. Merck & Co., Inc., et al*., Civ. No. 1:15-00572-GMS (D. Del). *Id.*

These cases are in the preliminary proceeding stage; a decision whether to institute trial in each case has not been entered. Under these circumstances, we determine that it is appropriate to enter judgment terminating the proceedings. Additionally, the parties' request for the settlement agreement to be treated as business confidential information and kept separate from the file of the involved patent is *granted*.

[2] Citations to paper and exhibit numbers in this order refer to filings in IPR2016-01217. Similar documents were filed in each of the captioned cases.

Accordingly, it is hereby

ORDERED that the joint motions to terminate the proceedings are *granted*; and

FURTHER ORDERED that the joint requests that the settlement agreement, Ex. 2056, 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*.

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