

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVO NORDISK INC.,
Petitioner,

v.

NEKTAR THERAPEUTICS,
Patent Owner.

Case IPR2016-01384
Patent 9,347,054 B2

Before CHRISTOPHER L. CRUMBLEY, ZHENYU YANG, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

HARLOW, *Administrative Patent Judge*.

DECISION
Termination of Proceeding
37 C.F.R. § 42.73

On December 21, 2016, the parties filed a Joint Motion to Terminate the instant proceeding pursuant to a settlement agreement.¹ Paper 13. The parties also filed a true copy of their written settlement agreement, made in connection with the termination of the instant proceeding. Ex. 1055. Additionally, the parties submitted a Joint Request to have their settlement agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 14.

This *inter partes* review proceeding is in the preliminary phase of review, and the Board has not yet decided whether to institute trial. The Petition was filed on July 8, 2016 (Paper 1), and Patent Owner's Preliminary Response (Paper 6) was filed on October 14, 2016.

In their Joint Motion to Terminate, the parties indicate that they have settled their dispute, and reached agreement to terminate the instant proceeding. Paper 13, 2. The parties further aver that the challenged patent is not currently subject to litigation. *Id.*

Upon consideration of the parties' contentions, we agree with the parties that terminating the instant proceeding with respect to both Petitioner and Patent Owner, at this early juncture, promotes efficiency and minimizes unnecessary costs. Based on the facts of this case, it is appropriate to enter

¹ The parties belatedly requested authorization to file the Joint Motion to Terminate on December 29, 2016. We remind the parties and counsel that they must comply with 37 C.F.R. § 42.20(b) in any future proceedings before the Board.

judgment² without rendering a final written decision.

Accordingly, it is:

ORDERED that the Joint Motion to Terminate IPR2016-01384 is *granted*;

FURTHER ORDERED that the instant proceeding is hereby *terminated* as to all parties, including Petitioner and Patent Owner; and

FURTHER ORDERED that the parties' Joint Request that the settlement agreement be treated as business confidential information kept separate from the patent file, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c), is *granted*.

² A *judgment* means a final written decision by the Board, or a *termination of a proceeding*. 37 C.F.R. § 42.2.

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PETITIONER:

Jeffrey J. Oelke
Scott Weingaertner
John Scheibeler
WHITE & CASE LLP
joelke@whitecase.com
sweingaertner@whitecase.com
jscheibeler@whitecase.com

PATENT OWNER:

Deanne M. Mazzochi
Paul J. Molino
RAKOCZY MOLINO MAZZOCHI SIWIK LLP
dmazzochi@rmmslegal.com
paul@rmmslegal.com