

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARTHREX, INC.,
Petitioner,

v.

ARTHROCARE CORP.,
Patent Owner.

Case IPR2016-01877
Patent 7,090,690

Before ERICA A. FRANKLIN, HYUN J. JUNG, and
JEREMY M. PLENZLER, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

TERMINATION
Dismissing the Petition
37 C.F.R. §§ 42.5(a) and 42.71(a)

On February 21, 2017, the parties filed a joint motion to terminate this proceeding (Paper 8), along with what they indicate is a true copy of their settlement agreement (Ex. 2004)¹. The parties indicate in their joint motion that they “have reached a settlement related to the ’690 patent” and, “[a]s a result of that settlement, the district court litigation related to the ’690 patent has been dismissed with prejudice, and there are no longer any disputes between the parties involving the ’690 patent.” Paper 8, 1. The parties further represent that Exhibit 2004 is “a true and correct copy” of the settlement agreement. *Id.* Concurrent with the filing of the settlement agreement, the parties filed a joint request that the settlement agreement be treated as business confidential information and kept separate from the patent files. Paper 9.

This proceeding is in its early stages, and the decision on whether to institute trial has not been made. Under these circumstances, it is appropriate to dismiss the Petition for *inter partes* review in IPR2016-01877. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

As requested by the parties, the settlement agreement will be treated as business confidential information and kept separate from the patent files. 37 C.F.R. § 42.74(c).

¹ It is our understanding that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.

It is

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

FURTHER ORDERED that the parties' request to treat the settlement
agreement (Ex. 2004) as business confidential information is *granted*.

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