

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioners,

v.

YEDA RESEARCH & DEVELOPMENT CO., LTD.,
Patent Owner.

Case IPR2017-00195
Patent 9,155,776 B2

Before TONI R. SCHEINER, LORA M. GREEN, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

TERMINATION
Dismissal Prior to Institution of Trial
35 U.S.C. § 317(a); 37 C.F.R. § 42.72

On April 28, 2017, and pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Petitioner, Mylan filed a Motion to Terminate Proceedings. Paper 11. Petitioner avers that Patent Owner, Yeda Research & Development Co., Ltd., does not oppose the motion. *Id.* at 1. According to Petitioner, termination is appropriate as on January 30, 2017, “the United States District Court for the District of Delaware held U.S. Patent No. 9,155,776, the patent that is the subject of this proceeding, invalid as obvious.” *Id.* at 1–2 (citing Ex. 1068; Paper 6). Petitioner asserts that in view of that decision, and to conserve the resources of the Board and the parties, termination is appropriate. *Id.* at 2.

This case is in the preliminary proceeding¹ stage; no trial has been instituted. Based on the facts of this case, we determine that it is appropriate to terminate the proceeding. Therefore, the motion to terminate the proceeding is GRANTED.

Accordingly, it is

ORDERED that Petitioner’s Motion to Terminate Proceedings 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 trial will be instituted. 37 C.F.R. § 42.2.

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