

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AUROMEDICS PHARMA LLC,
Petitioner,

v.

APICORE US LLC,
Patent Owner.

Case IPR2017-00762
Patent 9,353,050 B2

Before TONI R. SCHEINER, ERICA A. FRANKLIN, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

PAULRAJ, *Administrative Patent Judge*.

TERMINATION
Dismissing the Proceeding
37 C.F.R. § 42.5(a), 37 C.F.R. § 42.71(a)

The parties have requested that this proceeding be terminated pursuant to settlement of the dispute regarding U.S. Patent No. 9,353,050 B2. Paper 16. With their joint motion to terminate, the parties also filed a copy of their written settlement agreement (Ex. 1043) that they request be kept confidential and separate from the patent file (Paper 17). 35 U.S.C. § 317(b).

This case is in the preliminary proceeding stage;¹ no institution of a trial has been made. Based on the facts of this case, we determine that it is appropriate to dismiss the case without rendering a decision as to whether a trial will be instituted.

Accordingly, it is

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

FURTHER ORDERED that the joint request that the settlement agreement (Ex. 1043) be treated as business confidential information and kept separate from the file of the involved patents 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 dismissed.

¹ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

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