

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIVEX BIOMEDICAL INC.,
Petitioners,

v.

MIMEDX GROUP, INC.,
Patent Owner.

Case IPR2017-01220
Patent 8,709,494 B2

Before LORA M. GREEN, CHRISTOPHER G. PAULRAJ, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

JUDGMENT
Dismissing Petition Pursuant to Settlement
37 C.F.R. § 42.71(a), 42.74

On October 23, 2017, and pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the parties filed a copy of a settlement agreement (Ex. 2044) along with a joint request to treat the settlement agreement as business confidential, to be separate from the patent file (Paper 13). In addition, the

parties filed a joint motion to terminate the proceeding pursuant to 35 U.S.C. § 317. Paper 12.

Patent Owner has filed a Preliminary Response, but the Board has not yet determined whether to institute trial. The parties represent that their settlement agreement resolves their dispute. Paper 12, 3. Under these circumstances, we determine that it is appropriate to dismiss the Petition. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). After reviewing the parties' settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement and good cause exists to treat the settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b). Therefore, the joint motion to terminate the proceeding is GRANTED.

This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the parties' request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motion to terminate the proceeding is GRANTED;

FURTHER ORDERED that the Petition is DISMISSED.

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