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Paper 57
Entered: July 10, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUARDANT HEALTH, INC.,
Petitioner,

v.

FOUNDATION MEDICINE, INC.,
Patent Owner.

Case IPR2017-01170 (Patent 9,340,830 B2)
Case IPR2017-01447 (Patent 9,340,830 B2)
Case IPR2017-01448 (Patent 9,340,830 B2)[1]

Before SUSAN L.C. MITCHELL, TINA E. HULSE, and RICHARD J. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

TERMINATION
Terminating the Proceeding
37 C.F.R. § 42.72

[1] This decision addresses issues that are common to all three cases. We, therefore, issue a single decision that has been entered in each case.

On July 2, 2018, the parties filed a joint motion to terminate the proceeding in each of the above-referenced cases under 35 U.S.C. § 317(a). Paper 60.[2] The parties also filed a copy of a settlement agreement (Exhibit 2089) along with a joint motion to file the settlement agreement as business confidential information, and to have it kept separate from the file of the involved patent, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 61).

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See*, *e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). A consolidated Oral Hearing was held in these cases on June 13, 2018, but a final written decision has not been rendered. Based on the facts of each case, we determine that it is appropriate to terminate each case without rendering a final written decision. Therefore, the joint motions to terminate the cases are GRANTED.

Accordingly, in consideration of the foregoing, it is hereby:

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 motions to terminate the above-referenced cases are GRANTED;

FURTHER ORDERED that the Petitions for *inter partes* review in IPR2017-01170, IPR2017-01447, and IPR2017-01448 are TERMINATED.

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[2] Paper numbers cited herein refer to those documents filed in IPR2017-01170. Similar papers were filed in the other two proceedings. The settlement agreement exhibit number (2089) is the same in all three proceedings.

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