

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC.,
Petitioner,

v.

BIOGEN, INC.,
Patent Owner.

Case IPR2018-00285
Patent 8,329,172 B2

Before ERICA A. FRANKLIN, SHERIDAN K. SNEDDEN, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER

Termination of the Proceeding Due to Settlement after Institution
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

With our authorization, the parties filed a Joint Motion to Terminate (Paper 54) this proceeding pursuant to 35 U.S.C. § 317(a). Along with the Motion, the parties filed a copy of a document they describe as the Settlement Agreement (Ex. 2066), as well as a separate Joint Request to Treat the Settlement Agreement as Business Confidential Information (Paper 55) under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a).”

In this case, the panel instituted trial on July 9, 2018 (Paper 10), but has not decided the merits of the proceeding. After reviewing the Joint Motion to Terminate and the Settlement Agreement, we agree with the parties that terminating the instant proceedings with respect to both Petitioner and Patent Owner promotes efficiency and minimizes unnecessary costs. Thus, it is appropriate to enter judgment without rendering a final written decision. Therefore, the Joint Motion to Terminate is granted.

Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted* and this proceeding is hereby *terminated*; and

FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information is *granted*, and Exhibit 2066 will be kept separate from the pertinent file consistent with 37 C.F.R. § 42.74(c).

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