

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORTY SEVEN, INC.,
Petitioner,

v.

STICHTING SANQUIN BLOEDVOORZIENING,
Patent Owner.

Case IPR2018-00431
Patent 9,352,037 B2

Before JONI Y. CHANG, SUSAN L. C. MITCHELL, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

HARLOW, *Administrative Patent Judge*.

DECISION
Termination of Proceeding
37 C.F.R. § 42.71

On July 19, 2018, after receiving our authorization, the parties filed a Joint Motion to Terminate this proceeding (Paper 10), true copies of the parties' Settlement Agreement (Ex. 1035) and Settlement Negotiations Agreement (Ex. 1036), and a request to treat those agreements as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 11). In the Joint Motion to Terminate, the parties represent that they have settled all of their disputes regarding U.S. Patent No. 9,352,037 B2. Paper 10, 1. The parties also filed a request that the Office treats the Settlement Agreement (Ex. 1035) and Settlement Negotiations Agreement (Ex. 1036) as business confidential information to be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 11.

The Board generally expects that a case "will terminate after the filing of a settlement agreement, unless the Board has already decided the merits." *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. Here, the proceeding is still in its early stages as the Board has not issued a decision on institution. Under these circumstances, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. §§ 42.5(a), 42.71. We also determine that it is appropriate to treat the Settlement Agreement (Ex. 1035) and Settlement Negotiations Agreement (Ex. 1036) as business confidential information to be kept separate from the patent file. *See* 35 U.S.C. § 317(b).

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate (Paper 10) is *granted*, and this proceeding is terminated; and

FURTHER ORDERED that the request to treat the Settlement Agreement (Ex. 1035) and Settlement Negotiations Agreement (Ex. 1036) as business confidential information to be kept separate from the patent file under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*.

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Patent 9,352,037 B2

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