

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNAPTIVE MEDICAL INC.,
Petitioner,

v.

KARL STORZ ENDOSCOPY-AMERICA, INC.,
Patent Owner.

Case IPR2018-00462
Patent 9,468,360 B2

Before BARRY L. GROSSMAN, MICHELLE N. WORMMEESTER, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. § 42.72

On February 21, 2019, the parties filed a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 in connection with a settlement agreement. Paper 24. Concurrently, the parties also filed a Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 25) along with a copy of the written settlement agreement (Ex. 1089). We authorized the filing of these papers in an e-mail sent on February 19, 2019.

This proceeding is in an appropriate stage for termination. The Board instituted trial (Paper 6) on July 16, 2018, and the oral hearing has not occurred. The parties “certify that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.” Paper 24, 3. The parties further represent that Exhibit 1089 is “a true and correct copy” of the parties’ settlement agreement. *Id.* In addition, the parties represent that a Joint Motion to Terminate Proceedings has been filed in the associated underlying district court action. *Id.* at 2. Under these circumstances, the Board determines that it is appropriate to terminate the proceeding without rendering a final written decision. 37 C.F.R. § 42.72. The Board also determines that it is appropriate to treat the settlement agreement as business confidential information to be kept separate from the patent file. *See* 37 C.F.R. § 42.74(c).

It is, therefore,

ORDERED that the Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. §42.74 is GRANTED, and that the subject proceeding is hereby terminated;

FURTHER ORDERED that the parties' Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. §42.74 is GRANTED, and that the settlement agreement (Exhibit 1089) shall be treated as business confidential information and kept separate from the file of the involved patent, under 37 C.F.R. § 42.74(c), and shall be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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