

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMMETRY SURGICAL, INC.,
Petitioner,

v.

TELEFLEX MEDICAL INCORPORATED,
Patent Owner.

Case IPR2019-00257
Patent 6,863,675 B2

Before BENJAMIN D. M. WOOD, TINA E. HULSE, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

TERMINATION
Dismissing the Proceeding
37 C.F.R. § 42.5(a), 37 C.F.R. § 42.71(a)

On December 31, 2018, the parties filed a joint motion to terminate the proceeding under 35 U.S.C. § 317(a). Paper 7. The parties also filed a copy of a settlement agreement (Exhibit 1015) along with a joint motion to file the settlement agreement as business confidential information under 35 U.S.C. § 317(b) (Paper 8).

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). This case is in the preliminary proceeding stage, which begins with the filing of a petition and ends with a written decision as to whether trial will be instituted. *See* 37 C.F.R. § 42.2. Based on the facts of this case, we determine that it is appropriate to dismiss the case without rendering a decision as to whether a trial will be instituted. *See* 37 C.F.R. § 42.71(a). Therefore, the joint motion to terminate the case is GRANTED.

Accordingly, it is

ORDERED that the parties' joint motion that the settlement agreement be treated as business confidential information and kept separate from the patent file is GRANTED;

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

FURTHER ORDERED that the Petition for *inter partes* review is DISMISSED.

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