

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

OMNI MEDSCI, INC.,
Patent Owner.

Cases IPR2019-00912; IPR2019-00915
Patent 9,885,698 B2¹

Before, BRIAN J. McNAMARA, JOHN F. HORVATH,
and SHARON FENICK, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

¹ Each case involves the same patent. This order is to be filed in each case. The parties are not authorized to use this style heading in any subsequent papers.

The parties have requested that IPR2019-00912 and IPR2019-00915 (“the Proceedings”) be terminated pursuant to a settlement. On July 15, 2019 in each of the Proceedings the Board authorized the parties to file a Joint Motion To Dismiss and a Joint Request that the Settlement Agreement Be Treated As Business Confidential Information under 37 C.F.R. 42.74(c). Paper 8². On July 18, 2019 the parties filed a Joint Motion to Terminate, (Paper 9) and a Joint Request That The Settlement Agreement Be Treated As Business Confidential Information and Kept Separate (Paper 10). See 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. The parties also filed a copy of a written settlement agreement. Ex. 1057.

A decision by the Board to institute a trial has not yet been entered in either of these proceedings. The parties have not identified any other related matters concerning U.S. Patent No. 9,885,698 B2 and have certified that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of these proceedings. Under these circumstances, the Board determines that it is appropriate to dismiss these proceedings without rendering final written decisions.
37 C.F.R. § 42.72.

It is, therefore,

ORDERED that in each of the Proceedings the joint motion to terminate the respective proceeding is GRANTED and the respective proceeding is hereby TERMINATED.

FURTHER ORDERED that the parties’ joint request that the settlement agreement be treated as business confidential information which

² Unless otherwise specified, the cited Paper Number or Exhibit Number is the same in each proceeding.

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shall be kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is GRANTED.

FURTHER ORDERED that the settlement agreement filed in each of the Proceedings be kept separate from the file of the involved patent.

PETITIONER:

Jeffrey P. Kushan
Ching-Lee Fukuda
Kathi Cover
Thomas A. Broughan III
Sidley Austin LLP
jkushan@sidley.com
clfukuda@sidley.com
kcover@sidley.com
tbroughan@sidley.com

PATENT OWNER:

Thomas A. Lewry
John S. LeRoy
Robert C. J. Tuttle
John M. Halan
Christopher C. Smith
BROOKS KUSHMAN P.C.
OMSC0113IPR1@brookskushman.com
tlewry@brookskushman.com
jleroy@brookskushman.com
rtuttle@brookskushman.com
jhalan@brookskushman.com
csmith@brookskushman.com