

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UCB, INC.,
Petitioner,

v.

NOVIMMUNE SA,
Patent Owner.

IPR2019-01480 (Patent 8,715,669 B2)
IPR2019-01481 (Patent 8,771,697 B2)¹

Before GRACE KARAFFA OBERMANN, CHRISTOPHER M. KAISER,
and CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, Administrative Patent Judge.

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

¹ This order addresses issues common to both proceedings. Accordingly, we exercise our discretion to issue a single order to be entered in each proceeding. The parties are not authorized to use this style heading.

On February 7, 2020, in each of the above-referenced *inter partes* review proceedings, Petitioner filed, with our authorization, a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72 and Joint Request to Keep Papers Separate as Business Confidential Information (Paper 9²), and a copy of the parties' agreement made in contemplation of termination of the proceedings (Paper 10).

The parties represent that they "have settled their disputes involving U.S. Patent No. 8,715,669 (the "'669 patent') and related U.S. Patent No. 8,771,699 (the "'697 patent')." Paper 9, 1. The parties further represent that there is no related district court litigation regarding these patents. *Id.* The parties also represent that their agreement made in contemplation of termination of the proceedings has been made in writing, and that they filed a true copy of the same. *Id.* The parties aver that "[n]o other such agreements, written or oral, exist between or among the Parties." *Id.*

The proceedings are at an early stage, and we have not yet decided whether to institute an *inter partes* review in either proceeding. In view of the early stage of the proceedings and the agreement between the parties, we determine that good cause exists to terminate the proceedings. Moreover, based on our review of the parties' agreement, we find that it contains confidential business information. We determine that, pursuant to 37 C.F.R. § 42.74(c), good cause exists to treat the agreement as business confidential information to be kept separate from the files of the '669 and '697 patents.

For the foregoing reasons, we *grant* the parties' joint motions to terminate and joint requests to treat their agreement made in contemplation of termination as business confidential information to be kept separate from

² We reference the docket in IPR2019-01480. Similar papers were filed in IPR2019-01481.

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the files of the '669 and '697 patents.

This determination does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

It is

ORDERED that the parties' joint motions to terminate are *granted*, and IPR2019-01480 and IPR2019-01481 are each *terminated* due to settlement prior to institution of trial with respect to Petitioner and Patent Owner pursuant to 37 C.F.R. § 42.74; and

FURTHER ORDERED that the parties' joint requests that their agreement made in contemplation of termination of the proceedings be treated as business confidential information, to be kept separate from the files of U.S. Patent Nos. 8,715,669 B2 and 8,771,697 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c), are each *granted*.

IPR2019-01480 (Patent 8,715,669 B2)

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