

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

OMNI MEDSCI, INC.,
Patent Owner.

IPR2020-00029
Patent 10,098,546 B2

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

McNAMARA, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

As authorized in our order of June 5, 2020 (Paper 11), the parties have filed an Amended Motion to Terminate this proceeding. Paper 12 (“Amended Motion to Terminate”). In the Amended Motion to Terminate the parties note that in the district court they dismissed their respective claims and counterclaims concerning the patent that is the subject of this proceeding. Amended Mot. to Terminate, 1. The Amended Motion to Terminate explains reasons termination is appropriate and states that the parties have not identified any other related matters. *Id.* at 1–3. The parties previously filed a copy of a written settlement agreement (Ex. 1063) and we granted their joint request to keep the settlement agreement 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). Paper 11. In the Amended Motion to Terminate, the parties “certify that this settlement agreement (Ex. 1063) represents the complete agreement, including all terms and conditions, between the parties and includes all (and there are no other) collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding as required by 35 U.S.C. § 317(b).” Paper 12, 1.

In consideration of the above, we agree that it is appropriate to terminate this proceeding without rendering a final written decision. 37 C.F.R. § 42.72

It is, therefore,

ORDERED that the Amended Joint Motion to Terminate the proceeding is GRANTED and the proceeding is hereby terminated.

PETITIONER:

Jeffrey Kushan
Ching-Lee Fukuda
Thomas Broughan
jkushan@sidley.com
clfukuda@sidley.com
tbroughan@sidley.com

PATENT OWNER:

Thomas Lewry
John LeRoy
Robert Tuttle
John Halan
Christopher Smith
Andrew Turner
tlewry@brookskushman.com
jleroy@brookskushman.com
rtuttle@brookskushman.com
jhalan@brookskushman.com
csmith@brookskushman.com
aturner@brookskushman.com