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571-272-7822

Paper 64
Entered: February 19, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROLLENIUM U.S., INC.,
Petitioner,

v.

ALLERGAN INDUSTRIE, SAS
Patent Owner.

IPR2019-01505, Patent 8,450,475 B2
IPR2019-01506, Patent 8,357,795 B2
IPR2019-01508, Patent 9,238,013 B2
IPR2019-01509, Patent 9,358,322 B2
IPR2019-01617, Patent 8,822,676 B2
IPR2019-01632, Patent 8,357,795 B2
IPR2020-00084, Patent 9,089,519 B2[1]

Before GRACE KARAFFA OBERMANN, JOHN G. NEW, SHERIDAN K. SNEDDEN, and ROBERT A. POLLOCK, *Administrative Patent Judges*.

Per curiam.

TERMINATION

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

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[1] Although this is not an expanded panel, this Order applies to each of the listed proceedings and we excersize our discretion to issue one Order to be filed in each proceeding.

Pursuant to authorization by the Board, the parties filed the following: (1) a Joint Motion to Terminate IPR (Paper 68); (2) a true copy of the parties' settlement agreement (Ex. 2250); and (3) a joint motion to treat the settlement agreement as business confidential information, and to keep separate from the file of the involved patent, under 37 C.F.R. § 42.74(c) (Paper 69).[2]

The Board generally expects that a case "will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." *Consolidated Office Patent Trial Practice Guide* (November 2019),[3] 86 (citing 35 U.S.C. §§ 317(a), 327). In their Joint Motions to Terminate, Patent Owner and Petitioner aver that "the parties' settlement completely resolves the controversy between Patent Owner and Petitioner relating to U.S. Patent Nos. 8,450,475; 8,357,795; 9,238,013; 9,358,322; 8,822,676; and 9,089,519 before the Board and in the copending district court litigation." *See* Paper 68, 2. Moreover, the Joint Motions to Terminate were filed before any final written decision and a decision on the merits.

Upon consideration of the facts before us, we determine that it is appropriate to terminate the above proceedings and enter judgment, without

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[2] We refer here to the papers and exhibit numbers filed in IPR2019-01505. Identical papers and exhibits were filed in each of the listed proceedings.
[3] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

rendering a final written decision. *See* 37 C.F.R. §§ 42.5(a), 42.71(a), 42.73(a), 42.74. Accordingly, we grant the Joint Motions to Terminate.

We also have reviewed the copy of the parties' settlement agreement (Ex. 1023), and we determine that good cause exists to treat this settlement agreement as business confidential information, and keep it separate from the files of the above-referenced patents under 37 C.F.R. § 42.74(c).

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request (Paper 69) to treat the true copy of their settlement agreement (Ex. 2250) as business confidential information, and to keep separate from the file of the involved patents, under 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the settlement agreement (Ex. 2250) shall be treated as business confidential information, kept separate from the files of U.S. Patent Nos. 8,450,475; 8,357,795; 9,238,013; 9,358,322; 8,822,676; and 9,089,519, and made available only to Federal Government agencies on written request to the Board, or to any person on a showing of good cause, under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the parties' Joint Motion to Terminate Proceeding (Paper 68) is *granted*, and the listed proceedings are terminated.

IPR2019-01505, Patent 8,450,475 B2
IPR2019-01506, Patent 8,357,795 B2
IPR2019-01508, Patent 9,238,013 B2
IPR2019-01509, Patent 9,358,322 B2
IPR2019-01617, Patent 8,822,676 B2
IPR2019-01632, Patent 8,357,795 B2
IPR2020-00084, Patent 9,089,519 B2

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