

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES, ABBOT CARDIOVASCULAR SYSTEMS,
INC., EVALVE, INC. AND ABBOTT LABORATORIES INC.,
Petitioners,

v.

EDWARDS LIFESCIENCES CORPORATION,
Patent Owner.

Case IPR2020-00595
Patent 7,011,669 B2

Before SHERIDAN SNEDDEN, JAMES WORTH, and
RICHARD J. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

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

On April 30, 2020, the parties filed a joint motion to terminate the above-referenced proceeding pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74. Paper 6. The parties also filed Patent Owner’s covenant not to sue for patent infringement of challenged claims 1, 2, and 5 of Patent 7,011,669 (“the ’669 patent”) (Ex. 1033), and Abbott’s Notice of Withdrawal of Motion to Stay Pending *Inter Partes* Review (Ex. 1034).

The parties represent that “Patent Owner withdrew with prejudice its infringement allegations with respect to [the challenged claims], and provided Petitioner with a covenant not to sue on those claims—resolving all disputes between the parties regarding the challenged claims of the ’669 patent.” Paper 6, 2.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ 86. 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 this case without rendering a decision as to whether a trial will be instituted. Therefore, the joint motion to terminate is GRANTED.

Accordingly, in consideration of the foregoing, it is hereby:

ORDERED that the joint motion to terminate the above-referenced case is GRANTED; and

FURTHER ORDERED that the Petition for *inter partes* review in IPR2020-00595 is DISMISSED.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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