

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC.,
Petitioner,

v.

BIO-RAD LABORATORIES, INC.,
Patent Owner.

IPR2021-00133
Patent 10,190,115 B2

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

JUDGMENT

Granting Joint Motion to Terminate Proceedings Due to
Settlement after Institution and
Granting Joint Motion to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.73, 42.74

On August 9, 2021, the parties filed a joint motion to terminate *inter partes* review pursuant to 35 U.S.C. § 317. Paper 22. The parties filed a copy of their settlement agreement, made in connection with the termination of these proceedings, in accordance with 35 U.S.C. § 317 and 37 C.F.R. § 42.74. Ex. 2111. The parties also filed a joint motion to treat the settlement agreement as business confidential information and to be kept separate from the file of the involved patents, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 21.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. In their joint motion to terminate, Patent Owner and Petitioner aver that “all disputes between the parties regarding the ’115 patent have been resolved.” Paper 22, 1.

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

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the settlement agreement treated as business confidential information and kept separate from the files of the patent at issue in this proceeding. Thus, we grant the joint motion to treat the settlement agreement as business confidential and to keep it designated as Board only.

ORDER

Accordingly, it is

ORDERED that the joint motion to terminate due to settlement after institution (Paper 22) is *granted*;

FURTHER ORDERED that the joint motion to treat the settlement agreement as business confidential information (Paper 21) is *granted*; and

FURTHER ORDERED that the instant proceedings are *terminated* with respect to Petitioner and Patent Owner.

PETITIONER:

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