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Paper No. 42
Date: January 8, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner,

v.

ABBOTT DIABETES CARE INC.,
Patent Owner.

IPR2023-01251
Patent 11,298,056 B2

Before JOHN G. NEW, RYAN H. FLAX, and CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

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

On January 6, 2025, the parties filed a Joint Motion to Terminate pursuant to 35 U.S.C. § 317(a) in the above-captioned case. *See* Paper 40. Additionally, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner filed a copy of a confidential Settlement Agreement (Exhibit 1068) and a Joint Request to Treat Settlement Agreement As Business Confidential Information (Paper 41), requesting that the agreement be kept separate from the patent file and be treated as business confidential information.

The Board has instituted review in this case, but has not yet issued any final written decision. The parties indicate that a settlement has been reached disposing of this proceeding and the related district court litigation. Paper 40, 2. The parties represent that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding. *Id.*

Under these circumstances, we determine that it is appropriate to terminate this case without rendering a final written decision, and to treat the Settlement Agreement as business confidential information, to be kept separate from the patent file. 37 C.F.R. § 42.74.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request that the Settlement Agreement be treated as business confidential information, to be kept separate from the patent file, is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate is *granted*; and

FURTHER ORDERED that this proceeding is terminated.

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