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Paper 36
Date: February 4, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JEISYS MEDICAL INC., ENDYMED MEDICAL LTD. and
ENDYMED MEDICAL, INC.,
Petitioner,

v.

SERENDIA, LLC,
Patent Owner.

IPR2024-00383 (Patent 9,775,774 B2)
IPR2024-00384 (Patent 9,320,536 B2)
IPR2024-00463 (Patent 10,869,812 B2)[1]

Before SHERIDAN K. SNEDDEN, CARL M. DEFRANCO, and TINA E. HULSE, *Administrative Patent Judges.*

DEFRANCO, *Administrative Patent Judge*.

ORDER
Granting Termination Due to Settlement
Only as to Petitioner Jeisys Medical Inc.
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] This is a consolidated Decision for all three proceedings. Upon entry of this decision, the caption will be revised to name only EndyMed Medical Ltd. and EndyMed Medical, Inc. as the petitioner.

On December 18, 2024, we authorized Petitioner Jeisys Medical Inc. and Patent Owner Serendia, LLC to file a joint motion to terminate "with respect to the petitioner" in each of the above-identified proceedings. *See* Ex. 3001.[2] In conjunction with that authorization, we notified the parties that we would not decide any motion to terminate until first deciding pending motions for joinder in several related proceedings seeking inter partes review of the same patents, namely, *EndyMed Medical Ltd. and EndyMed Medical, Inc. v. Serendia, LLC*, IPR2024-00843, 00844, and 00845 ("the EndyMed IPRs"). Rather than wait until after our decision on joinder, Jeisys and Serendia chose to file their joint motion beforehand, seeking to terminate each of the above-identified proceedings "in its entirety." Paper 31, at 1, 3.

In their joint motion, Jeisys and Serendia state that they have settled their dispute regarding the challenged patent in each of the above-identified proceedings and, for that reason, request that each of the proceedings be terminated "in its entirety." *Id.* at 2–3. But, as a matter of law, an instituted proceeding may be terminated due to settlement only "[i]f no petitioner remains in the inter partes review." 35 U.S.C. § 317(a). Here, subsequent to the joint motion to terminate, we granted the motion for joinder in the EndyMed IPRs. *See* Paper 34. As a result, EndyMed Medical Ltd. and EndyMed Medical, Inc. (collectively, "EndyMed") have been added as petitioners to these proceedings. And because EndyMed is, and remains, a

[2] For convenience, we cite only to papers and exhibits in IPR2024-00383, but substantially identical papers and exhibits are of record in each of the other proceedings.

petitioner in these proceedings, we deny the request to terminate the proceedings in their entirety. However, in light of the settlement agreement between Jeisys and Serendia, and the fact that we are still many months away from a decision on the merits, we deem it appropriate to grant the request with respect to the termination of Jeisys as a petitioner.

Along with their motion to terminate, Jeisys and Serendia also request that their settlement agreement (Exhibit 2156) be treated as business confidential information and be kept separate from the files of the challenged patents. *See* Paper 33. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), we determine that it is appropriate to treat the settlement agreement as business confidential information and keep it separate from the files of the challenged patents.

Accordingly, it is:

ORDERED that the joint motion to terminate in each of the above-identified proceedings is *granted* only with respect to Jeisys Medical Inc. as petitioner;

FURTHER ORDERED that the joint request to treat Exhibit 2156 as business confidential information is *granted*;

FURTHER ORDERED that the settlement agreement (Exhibit 2156) shall be treated as business confidential information, kept separate from the files of the above-identified patents, and made available only to federal government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c);

FURTHER ORDERED that these proceedings are terminated only as to Jeisys Medical Inc.; and

FURTHER ORDERED that EndyMed Medical Ltd. and EndyMed Medical, Inc. will continue as petitioners in these proceedings.

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