

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SERENDIA, LLC,
Patent Owner.

IPR2024-00386
Patent 9,480,836 B2

Before CARL M. DEFRANCO, MICHAEL L. WOODS, and
SCOTT RAEVSKY, Administrative Patent Judges.

WOODS, Administrative Patent Judge.

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

I. BACKGROUND

Petitioner Jeisys Medical Inc. (“Jeisys”) and Patent Owner Serendia, LLC (“Serendia”) filed (1) a Joint Motion to Terminate (Paper 34 (“Mot.” or “Motion”)) based on a settlement agreement between those entities, (2) a true copy of their written settlement agreement (Ex. 2156), and (3) a Joint Request that Settlement Agreement be Treated as Business Confidential Information and be Kept Separate (Paper 36) in the above-identified proceeding. Jeisys and Serendia indicate that they have settled all the disputes in these proceedings and jointly move to terminate this proceeding. *See* Mot. 1–2. The parties filed what they represent is a true and correct copy of their written settlement agreement and indicate that it resolves these proceedings. *Id.* at 1.

After the Motion was filed, we joined IPR2024-00842 with IPR2024-00386. *See EndyMed Medical Ltd., EndyMed Medical, Inc., and Jeisys Medical Inc. v. Serendia, LLC*, IPR2024-00842 (“the ’842 IPR”), Paper 16 (PTAB Jan. 29, 2025). As a result of this joinder, petitioner EndyMed Medical Ltd. and EndyMed Medical, Inc. (collectively, “EndyMed”) have been joined as petitioners to IPR2024-00386. *See id.*

II. ANALYSIS

Generally, the Board expects that a proceeding will terminate with respect to a petitioner after the filing of a settlement agreement. *See* 35 U.S.C. § 317(a) (“An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”); *see also* 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final

written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a)”); *see also* Patent Trial and Appeal Board Consolidated Trial Practice Guide at 86 (Nov. 2019)¹ (“The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” (citing 35 U.S.C. §§ 317(a), 327)).

Here, the merits of the proceeding have not yet been decided. Accordingly, we are persuaded that, under these circumstances, termination of this proceeding with respect to Jeisys, only, is appropriate.

Additionally, we grant the Joint Request that Settlement Agreement be Treated as Business Confidential Information and be Kept Separate. *See* 35 U.S.C. § 317(b) (“At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.”); *see also* 37 C.F.R. § 42.74(c) (same).

This Decision does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that the Joint Motion to Terminate petitioner Jeisys, only, (Paper 34) is *granted*;

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

FURTHER ORDERED that the Joint Request to Treat Exhibit 2156 as Business Confidential Information (Paper 36) is *granted*;

FURTHER ORDERED that the settlement agreement (Ex. 2156) be treated as business confidential information, kept separate from the files of the above-referenced 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 this proceeding is terminated only as to petitioner Jeisys; and

FURTHER ORDERED that petitioners EndyMed Medical Ltd. and EndyMed Medical, Inc., remain as parties in this proceeding.

For PETITIONER Jeisys Company, Inc.:

Scott Weidenfeller
Peter P. Chen
Anupam Sharma
Wonseon Kiersten Choi
COVINGTON & BURLING LLP
lloda-IPR@cov.com
pchen@cov.com
sweidenfeller@cov.com
asharma@cov.com
wchoi@cov.com

Wesley O. Mueller
Leonard Z. Hua
Paul J. Filbin

IPR2024-00386
Patent 9,480,836 B2

Brent A. Chatham
LEYDIG, VOIT & MAYER, LTD.
wmueller@leydig.com
lhua@leydig.com
pfilbin@leydig.com
bchatham@leydig.com

For PETITIONER EndyMed Medical Ltd. and EndyMed Medical, Inc.:

Guy Yonay
Kyle Auteri
Zeev Pearl
Milo Eadan
PEARL COHEN ZEDEK LATZER BARATZ LLP
gyonay@pearlcohen.com
kauteri@pearlcohen.com
zpearl@pearlcohen.com
meadan@pearlcohen.com

For PATENT OWNER:

Charles H. Sanders
Cecilia Peniza
Steven W. Peters
LATHAM & WATKINS LLP
charles.sanders@lw.com
cecilia.peniza@lw.com
steven.peters@lw.com