

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XENCOR, INC.,
Petitioner,

v.

MERUS N.V.,
Patent Owner.

IPR2025-00604
Patent 9,358,286 B2

Before ZHENYU YANG, TAWEN CHANG, and RYAN H. FLAX,
Administrative Patent Judges.

FLAX, *Administrative Patent Judge.*

TERMINATION

Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74

ORDER

Granting Joint Motion to Keep Confidential and Separate
35 U.S.C. § 317(b); 35 C.F.R. § 42.74(c)

Merus N.V. (“Patent Owner”) is the owner of U.S. Patent 9,358,286 B2 (Ex. 1001, “the ’286 patent”). Paper 3, 1 (Patent Owner Mandatory Notices). On February 11, 2025, Xencor, Inc. (“Petitioner”) filed a Petition for *inter partes* review challenging the patentability of claims 1, 2, 7–24, 26–28, and 30–32 of the ’286 patent. Paper 1, 1 (“Pet.”). Trial was instituted on September 26, 2025. Paper 13.

On July 7, 2026, with the Board’s authorization, the parties filed a Joint Motion to Terminate this proceeding due to settlement. Paper 35 (“Motion to Terminate” or “Mot. Term.”). In support of the Motion, the parties filed their Settlement Agreement (Ex. 1063), which they certify is the only agreement in connection with the termination of this proceeding. Mot. Term. 1. Regarding this Settlement Agreement, the parties also filed a Joint Motion to Keep Confidential and Separate, wherein they assert the Settlement Agreement is “highly sensitive business confidential information.” Paper 36, 1 (“Motion to Keep Confidential”).

The Joint Motion to Terminate is *granted*. 35 U.S.C. § 317(a).

We find that the Settlement Agreement contains confidential business information and good cause is shown to treat it as such; therefore, the Joint Motion to Keep Confidential is *granted*. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

ORDER

In consideration of the foregoing, it is hereby

ORDERED that the Joint Motion to Terminate is granted, and this *inter partes* review is terminated; and

FURTHER ORDERED that the Joint Motion to Keep Confidential is granted, and the Settlement Agreement shall be kept separate from the files

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of Patent 9,358,286 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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