

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCORD HEALTHCARE, INC.,
Petitioner,

v.

HELSINN HEALTHCARE S.A. and
ROCHE PALO ALTO LLC,
Patent Owner.

Case PGR2014-00010
Patent No. 8,598,219 B2

Before LORA M. GREEN, SHERIDAN K. SNEDDEN, and
JON B. TORNQUIST, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. §§ 42.72-42.73

The petition in this proceeding was filed September 2, 2014, and the Patent Owner's preliminary response is not yet due. On November 20, 2014, the parties filed a joint motion to terminate the proceeding (Paper 7) and a copy of their written settlement agreement (Ex. 2001). Along with the motion to terminate, the parties also filed a joint motion to treat the settlement agreement as business confidential information and keep it separate from the file of U.S. Patent No. 8,598,219 ("the '219 patent") pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). Paper 8, 1.

In their motion, the parties identify several ongoing litigations involving the '219 patent, but represent that Petitioner and Patent Owner have settled their dispute with respect to the '219 patent. Paper 7, 2–3. The parties further represent that, "[a]side from this post-grant review proceeding, the '219 patent is not the subject of any other proceedings currently before the Office." *Id.* at 3. Under these circumstances, and in view of the preliminary stage of the current proceeding, we determine that it is appropriate to enter judgment and terminate the proceeding without rendering a final decision. *See* 37 C.F.R. § 42.72.

It is, therefore,

ORDERED that the joint motion to terminate PGR2014-00010 pursuant to 35 U.S.C. § 327 is *granted* and the proceeding is hereby terminated; and

FURTHER ORDERED that the parties' joint request pursuant to 35 U.S.C. § 327(b) that the settlement agreement be treated as business confidential information and kept separate from the file of U.S. Patent No. 8,598,219 is *granted*.

PGR2014-00010
Patent 8,598,219 B2

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