

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNGENTA CROP PROTECTION AG,
Petitioner,

v.

BAYER CROPSCIENCE AKTIENGESELLSCHAFT,
Patent Owner.

PGR2020-00058
Patent 10,364,243 B2

Before SUSAN L. C. MITCHELL, ROBERT A. POLLOCK, and
JAMIE T. WISZ, *Administrative Patent Judges*.

WISZ, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Terminate the Proceedings
37 C.F.R. §§ 42.71; 42.74

On May 28, 2021, with authorization of the Board, the parties filed a Joint Motion to Terminate the above-identified proceeding. Paper 30. The parties also filed a true copy of their written settlement agreement (“Confidential Settlement Agreement”). Ex. 1026. Additionally, citing to 35 U.S.C § 327(b) and 37 C.F.R. § 42.74(c), the parties filed a joint request that the Confidential Settlement Agreement be treated as business confidential information, maintained separate from the publicly available files of the above-captioned post grant review, and be made available only to Federal Government agencies on written request, or to persons showing good cause pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). Paper 30, 3–4.

The parties explain that termination of the proceeding is appropriate because they have settled their dispute regarding U.S. Patent No. 10,364,243 (“the ’243 Patent”) and have reached agreement to terminate the post grant review. Paper 30, 1. Specifically, Patent Owner cancelled claims 1–13 and 18–22 of the ’243 patent by filing a Disclaimer in Patent Under 37 CFR 1.321(a) and withdraws its Motion to Amend. *Id.* at 3. Petitioner does not oppose any remaining claims in the ’243 Patent. *Id.*

This proceeding has not yet advanced to the stage where an oral hearing has been held nor has the Board decided the merits of the proceeding. Under these circumstances, we determine that it is appropriate to enter judgment terminating the proceeding. Additionally, the parties’ request for the Confidential Settlement Agreement to be treated as business confidential information and kept separate from the file of the involved patent is granted.

Accordingly, it is:

ORDERED that the joint motion to terminate the above-identified proceeding is *granted*; and

FURTHER ORDERED that the joint request for the Confidential Settlement Agreement to be treated as business confidential information and kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the Motion to Amend in PGR2020-00058 is *deemed withdrawn* and this proceeding is *terminated* with respect to both Petitioner and Patent Owner.

PGR2020-00058
Patent 10,364,243 B2

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