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Paper 18
Entered: July 6, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALLERGAN, INC., ALLERGAN LIMITED, ALLERGAN USA, INC., ZELTIQ AESTHETICS, INC., ZELTIQ IRELAND UNLIMITED COMPANY, AND REMED CO. LTD.,
Petitioner,

v.

BTL HEALTHCARE TECHNOLOGIES A.S.,[1]
Patent Owner.

PGR2021-00022, PGR2021-00023 (Patent No. 10,709,894)
PGR2021-00024, PGR2021-00025 (Patent No. 10,695,576)
IPR2021-00296 (Patent No. 10,493,293)
IPR2021-00312 (Patent No. 10,478,634)

Before JOSIAH C. COCKS, MEREDITH C. PETRAVICK, and DAVID COTTA, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

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[1] Further to Patent Owner's request, we have changed the case caption to reflect that former patent owner BLT Medical Technologies S.R.O assigned the '894 patent to BLT Healthcare Technologies A.S. Paper 14

I. INTRODUCTION

Petitioner and Patent Owner jointly request that the above-referenced post-grant review and *inter partes* review proceedings be terminated pursuant to a settlement. On July 2, 2021, with our authorization (Ex. 3002)[2], in each proceeding, Petitioner filed a Joint Motion to Terminate (Paper 15), a copy of a Confidential Binding Term Sheet (Ex. 1116)[3] governing their settlement, and a Joint Request to Treat as Business Confidential Information (Paper 16).

II. DISCUSSION

In the Joint Motion to Terminate, the parties represent that they have reached an agreement to settle all pending litigation, including these proceedings. Paper 15, 1. The parties also represent that the Confidential Binding Term Sheet has been made in writing and that they filed a true copy of the same as Exhibit 1116. *Id.* at 2; Paper 16, 1.

These proceedings are at an early stage, and we have not yet decided whether to institute review. In view of the early stage of the proceedings and the agreement between the parties to terminate the proceedings, we determine that good cause exists to end the proceedings.

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[2] We reference the papers numbers in PGR2021-00022, which are representative.

[3] The Confidential Binding Term Sheet was filed as Exhibit 1116 in each proceeding except for IPR2021-00296. In IPR2021-00296, the Confidential Binding Term Sheet was filed as Exhibit 1103.

With respect to the parties' Joint Request to Treat as Business Confidential Information, we have reviewed the Confidential Binding Term Sheet, and find the Confidential Binding Term Sheet contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Confidential Binding Term Sheet as business confidential information pursuant to 35 U.S.C. §§ 317(b)/327(b) and 37 C.F.R. § 42.74(c).

III. CONCLUSION

For the foregoing reasons, we grant the parties' Joint Motion to Terminate and Joint Request to Treat as Business Confidential Information. This determination does not constitute final written decisions pursuant to 35 U.S.C. §§ 318(a) or 328(a).

IV. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to Terminate is *granted*, and each proceeding is *terminated* due to settlement prior to institution of trial with respect to Petitioner and Patent Owner pursuant to 37 C.F.R. § 42.74; and

FURTHER ORDERED that the Confidential Binding Term Sheet shall be kept separate from the files of the patents at issue in these proceedings, 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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PGR2021-00025 (Patent No. 10,695,576)
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