

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATOSSA THERAPEUTICS, INC.,
Petitioner,

v.

JINA PHARMACEUTICALS, INC.,
Patent Owner.

PGR2026-00015
Patent 12,245,997 B2

Before KALYAN K. DESHPANDE, *Chief Administrative Patent Judge*.

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

The parties filed a Joint Motion to Terminate the proceeding due to settlement. Paper 15 (“Joint Motion”). The parties also filed a copy of a confidential Settlement Agreement (Ex. 1012, “Agreement”), and a Joint Request (Paper 16, “Joint Request”) that the Agreement be treated as business confidential information and kept separate from the files of the involved patent.¹

The Joint Motion and Joint Request are granted.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 328(a).

Accordingly, it is:

ORDERED that the Joint Request is *granted* and the Agreement shall be kept separate from the files of the involved patent 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); and

FURTHER ORDERED that the Joint Motion is *granted*, the petition is *dismissed*, and the proceeding is *terminated*.

¹ The parties request that “the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the Settlement Agreement, that any such written request be served upon Atossa and Jina on the day the written request is provided to the Board.” Joint Request 1. The Board does not provide or order such notices.

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