

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION
Petitioner

v.

MEDTRONIC, INC.
Patent Owner

Case IPR2014-00362
Patent 6,306,141 B1

Before SALLY C. MEDLEY and STEPHEN C. SIU,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Petitioner filed a petition for *inter partes* review on January 17, 2014 and a corrected petition on May 12, 2014. Patent Owner filed a preliminary response on April 29, 2014. On May 30, 2014, the parties informed the Board that the parties have reached a settlement agreement and that the

parties seek authorization from the Board to file a joint motion to terminate the proceeding and to file the settlement agreement as business confidential information.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 *Fed. Reg.* 48756, 48768 (Aug. 14, 2012). The rule governing settlement indicates that any agreement between the parties made in connection with, or in contemplation of, the termination of a proceeding¹ shall be in writing and filed with the Board. 37 C.F.R. § 42.74.

Based on the facts of this proceeding, the parties are authorized to, and shall file, in addition to the confidential settlement agreement, a joint motion to terminate the proceeding briefly explaining why termination is appropriate in this case. As explained, the parties also must file, as an exhibit, a true copy of their settlement agreement to terminate the proceeding. Any request that the agreement be treated as business confidential information and be kept separate from the files of the involved patent must be filed with the settlement agreement. 37 C.F.R. § 42.74(c). The parties are directed to FAQ G3 on the Board's website page at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file their settlement agreement as confidential (*e.g.*, uploading as "Parties and Board Only").

The joint motion to terminate and the settlement agreement shall be filed by Monday, June 9, 2014.

Accordingly, it is

ORDERED that the parties are authorized to file a joint motion to

¹ A "proceeding" includes a preliminary proceeding. 37 C.F.R. § 42.2.

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terminate the proceeding;

FURTHER ORDERED that the joint motion is due June 9, 2014; and

FURTHER ORDERED that the joint motion shall be accompanied by a true copy of the settlement agreement as required by 37 C.F.R. § 42.74(b);

FURTHER ORDERED that the parties may request that the settlement agreement be treated as business confidential information as specified by 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that any confidential settlement agreement must be filed electronically via the Patent Review Processing System (PRPS) in accordance with the instructions provided on the Board's website (*e.g.*, uploading as "Parties and Board Only").

PETITIONER:

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