

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOSTON SCIENTIFIC CORPORATION
and BOSTON SCIENTIFIC SCIMED, INC.
Petitioners

v.

VASCULAR SOLUTIONS, INC.
Patent Owner

Case IPR2014-00759
Patent 8,142,413

Cases IPR2014-00760 and IPR2014-00761
Patent 8,048,032

Cases IPR2014-00762 and IPR2014-00763
Patent 8,292,850¹

Before GLENN J. PERRY, BARBARA A. PARVIS and
J. JOHN LEE, *Administrative Trial Judges*

PERRY, *Administrative Trial Judge*

¹ This Order addresses scheduling that is identical in the listed cases. We exercise our discretion to issue a single paper to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Cases IPR2014-00759, -00760, -00761, -00762 and -00763
Patents 8,142,413; 8,048,032; and 8,292,850

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.73

The parties have requested that these trial proceedings be terminated pursuant to a settlement. On August 6, 2014, the Board authorized² the parties to file a Joint Motion to Terminate these proceedings along with a true copy of any and all settlement agreements between them related to the patent at issue. The parties filed in each case a Joint Motion to Terminate³ in accordance with 35 U.S.C. § 327(a) and 37 C.F.R. § 42.72. The parties also filed in each case a Joint Motion to Treat the Parties' Settlement Agreement as Business Confidential⁴ pursuant to 35 U.S.C. § 317(b) and Rule 42.74. The settlement agreement⁵ purports to settle matters between the parties with respect to each of the patents at issue in this *inter partes* review.

Each of the captioned *inter partes* reviews is in its preliminary stage. A decision on the respective Petitions⁶ has not yet been rendered. The parties have identified the following USPTO proceedings that are pending.

² IPR2014-00759, Paper 6; IPR2014-00760, Paper 6; IPR2014-00761, Paper 7; IPR2014-00762, Paper 6; IPR2014-00763, Paper 9.

³ IPR2014-00759, Paper 7; IPR2014-00760, Paper 7; IPR2014-00761, Paper 7; IPR2014-00762, Paper 8; IPR2014-00763, Paper 10.

⁴ IPR2014-00759, Paper 8; IPR2014-00760, Paper 8; IPR2014-00761, Paper 8; IPR2014-00762, Paper 8; IPR2014-00763, Paper 11.

⁵ IPR2014-00759, Exhibit 1041; IPR2014-00760, Exhibit 1042; IPR2014-00761, Exhibit 1042; IPR2014-00762, Exhibit 1043; IPR2014-00763, Exhibit 1043.

⁶ IPR2014-00759, Paper 1; IPR2014-00760, Paper 1; IPR2014-00761, Paper 1; IPR2014-00762, Paper 1; IPR2014-00763, Paper 1.

Cases IPR2014-00759, -00760, -00761, -00762 and -00763
Patents 8,142,413; 8,048,032; and 8,292,850

Application	Status
Reissue Application for U.S. Patent No. 8,292,850: Serial No. 14/070161	Pending
Reissue Continuation Application for U.S. Patent No. 8,292,850: Serial No. 14/195385	Pending
Reissue Continuation Application for U.S. Patent No. 8,292,850: Serial No. 14/195413	Pending
Reissue Continuation Application for U.S. Patent No. 8,292,850: Serial No. 14/195435	Pending

The parties indicated that they “shall cooperate” to have the related District Court litigation⁷ in the U.S. District Court for the District of Minnesota dismissed with prejudice.

Under these circumstances, the Board determines that it is appropriate to enter judgment⁸ and terminate each of the trials without rendering a final written decision under 37 C.F.R. § 42.72.

⁷ *Vascular Solutions, Inc. v. Boston Scientific Corp.*, No. 0:13-cv-1172-JRT-SER (D. Minn.).

⁸ A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

Cases IPR2014-00759, -00760, -00761, -00762 and -00763
Patents 8,142,413; 8,048,032; and 8,292,850

ORDER

It is, therefore,

ORDERED that the joint motions to terminate these proceedings are GRANTED and the proceedings are hereby terminated as to all parties including, Petitioners and Patent Owner; and

FURTHER ORDERED that the parties' joint requests that the settlement agreement, as filed in each case, be treated as business confidential information and kept separate from the file of the involved patent under the provisions of to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are GRANTED.

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