

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AGILA SPECIALTIES INC. and MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

CUBIST PHARMACEUTICALS, INC.,
Patent Owner.

Case IPR2015-00131 (Patent 6,468,967 B1)
Case IPR2015-00132 (Patent 6,852,689 B2)
Case IPR2015-00140 (Patent 8,129,342 B2)
Case IPR2015-00141 (Patent 8,058,238 B2)
Case IPR2015-00142 (Patent 8,058,238 B2)
Case IPR2015-00143 (Patent 8,058,238 B2)
Case IPR2015-00144 (Patent 8,058,238 B2)¹

Before BRIAN P. MURPHY, JON B. TORNQUIST, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.72

¹ This paper addresses issues common to each of the identified proceedings. We, therefore, exercise our discretion and issue a single paper to be entered in each case.

IPR2015-00131 (Patent 6,468,967 B1)
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IPR2015-00140 (Patent 8,129,342 B2)
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On April 27, 2015, pursuant to 35 U.S.C. § 317, the parties filed a joint motion to terminate in each of the above-referenced proceedings pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 72. Paper 16.² The parties also filed a copy of a stipulation filed publicly in the copending district court case, *Cubist Pharmaceuticals, Inc. v. Strides, Inc.*, No. 13-cv-1679-GMS (D. Del.). Ex. 1028. The stipulation states, in part, that in exchange for Patent Owner's limiting the asserted claims against Petitioner in the copending litigation, Petitioner agrees to request termination of the *inter partes* review proceedings, and further stipulates that Petitioner agrees "not to file, maintain, join, or support another challenge to any claims of the '238, '342, '967, or '689 patents in the U.S. Patent Office." *Id.* ¶¶ 1–5.

These proceedings are in the preliminary proceeding³ stage; no institution of a trial has been made in any of the proceedings. Based on the facts of these proceedings, it is appropriate to enter judgment terminating each proceeding pursuant to 37 C.F.R. § 42.72. Therefore, the joint motions to terminate the proceedings are GRANTED.

² The cited paper and exhibit numbers refer to documents filed in case IPR2015-00131. Similar documents were filed in each of the other proceedings.

³ A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted. 37 C.F.R. § 42.2.

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Accordingly, it is

ORDERED that the joint motions to terminate the *inter partes* review proceedings are GRANTED; and

FURTHER ORDERED that the *inter partes* review proceedings are TERMINATED.

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