

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX CORP. and APOTEX, INC.,
Petitioner,

v.

ALLERGAN, INC.,
Patent Owner.

Case IPR2015-01278 (8,633,162 B2)
Case IPR2015-01282 (8,629,111 B2)
Case IPR2015-01283 (8,685,930 B2)
Case IPR2015-01284 (8,648,048 B2)
Case IPR2015-01286 (8,642,556 B2)¹

Before SHERIDAN K. SNEDDEN, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER AUTHORIZING FILING OF MOTION TO TERMINATE
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order addresses issues that are common to each of the above-referenced cases. We, therefore, issue a single Order that has been entered in each case.

IPR2015-01278 (8,633,162 B2); IPR2015-01282 (8,629,111 B2);
IPR2015-01283 (8,685,930 B2); IPR2015-01284 (8,648,048 B2);
IPR2015-01286 (8,642,556 B2)

In an email correspondence sent to the Board on December 14, 2015, counsel for Petitioner suggested that the parties may seek to terminate each of the above-captioned cases based on settlement. The relevant portion of the email reads as follows:

The deadline for a decision on institution regarding IPR2015-01282 and -1282 falls on December 17, 2015. The deadline regarding IPR2015-1278 and -1286 falls on December 18, 2015, and the deadline regarding IPR2015-1284 falls on December 22, 2015.

Both patent owner and petitioner have been working diligently to settle all 5 IPR proceedings, and hope to finalize an agreement shortly. To facilitate the settlement process, both parties respectfully request that the Board refrain from issuing institution decisions until the date on which the deadlines fall. Both parties are available for a telephone conference at the Board's convenience should the Board feel that a telephone conference would be helpful.

The parties are authorized to file a Joint Motion to Terminate this proceeding. The Joint Motion to Terminate must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patents. The Joint Motion to Terminate must be filed by December 15, 2015.

The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which shall be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)-(b). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination of an *inter partes*

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review shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of such review as between the parties. 35 U.S.C. § 317(b).

A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). The request must be filed with the settlement. *Id.*

It is ORDERED that the parties are authorized to file, by December 15, 2015, a Joint Motion to Terminate the proceeding in IPR2015-01278 (8,633,162 B2), IPR2015-01282 (8,629,111 B2), IPR2015-01283 (8,685,930 B2), IPR2015-01284 (8,648,048 B2), and/or IPR2015-01286 (8,642,556 B2); and

FURTHER ORDERED that the parties are authorized to file, by December 15, 2015, a Joint Request that the Settlement Agreement Be Treated as Business Confidential Information.

IPR2015-01278 (8,633,162 B2); IPR2015-01282 (8,629,111 B2);
IPR2015-01283 (8,685,930 B2); IPR2015-01284 (8,648,048 B2);
IPR2015-01286 (8,642,556 B2)

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