

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

3M COMPANY,
Patent Owner.

Case IPR2015-02002
Patent 6,743,413 B1

Before LORA M. GREEN, RAMA G. ELLURU, and
ELIZABETH A. LAVIER, *Administrative Patent Judges*.

LAVIER, *Administrative Patent Judge*.

JUDGMENT

Termination Pursuant to Settlement

35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.5, 42.71–42.74

On November 15, 2016, Petitioner, Mylan Pharmaceuticals Inc., and Patent Owner, 3M Company, filed a Joint Motion To Terminate Pursuant to 35 U.S.C. § 317. Paper 24. The parties filed a copy of their Settlement Agreement, made in connection with the termination of these proceedings, in accordance with 37 C.F.R. § 42.74(b). Ex. 1022. The parties also filed a Joint Request that Settlement Agreement Be Treated as Business Confidential Information and Kept Separate under 37 C.F.R. § 42.74(c). Paper 25.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* 37 C.F.R. § 42.72. In their Joint Motion to Terminate, the parties indicate that the Settlement Agreement resolves all disputes between them involving the patent-at-issue in this proceeding. *See* Paper 24, 15.* This Joint Motion to Terminate comes relatively early in the trial proceeding, as the oral argument, scheduled for December 5, 2016, has not yet occurred. *See* Paper 9 (Scheduling Order).

Upon consideration of the facts before us, we determine that it is appropriate to terminate this proceeding and enter judgment, without rendering a final written decision. *See* 37 C.F.R. §§ 42.5(a), 42.71(a), 42.73(a), 42.74. Accordingly, we grant the Joint Motion to Terminate.

* Paper 24, as filed, labels its first page as “12” and continues sequentially thereafter. Thus, page “15” is the fourth page of the Motion.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement Agreement treated as business confidential information and kept separate from the files of the patent at issue in this proceeding. Thus, we grant the Joint Request to treat the Settlement Agreement as business confidential.

ORDER

For the foregoing reasons, it is

ORDERED that the Joint Motion to Terminate (Paper 24) is *granted*, and IPR2015-02002 is terminated with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Request that Settlement Agreement Be Treated as Business Confidential Information and Kept Separate (Paper 25) is *granted*; and

FURTHER ORDERED that Exhibit 1022 (Settlement Agreement) shall be treated as confidential information to be kept separate from the patent file, pursuant to 37 C.F.R. § 42.54.

IPR2015-02002
Patent 6,743,413 B1

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