

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PAR PHARMACEUTICAL, INC.  
*Petitioner*

v.

NOVARTIS AG.  
*Patent Owner*

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Case IPR2016-00074 (7,741,338)  
Case IPR2015-0075 (7,297,703)

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Before LORA M. GREEN, CHRISTOPHER L. CRUMBLEY, and  
ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

ORDER  
Termination of Proceedings  
*37 C.F.R. § 42.72*

On March 23, 2016, the parties filed Joint Motions to Terminate the instant proceedings, accompanied by true copies of an agreement between the parties to seek termination and Joint Requests to treat the agreement as business confidential, to be kept separate from the patent file. Papers 9, 10, and Exhibit 1010 in IPR2016-00074; Papers 8, 9, and Exhibit 1016 in IPR2016-00075; *see* 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). On March 31, 2016, the parties filed true copies of an additional agreement

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relevant to the instant proceedings, along with Joint Requests to treat this agreement as business confidential, to be kept separate from the patent file. Papers 12, 13, and Exhibit 1011 in IPR2016-00074; Papers 11, 12, and Exhibit 1017 in IPR2016-00075.

Petitioner filed Petitions for *inter partes* review of U.S. Patent Nos. 7,741,338 and 7,297,703 on October 26, 2015. Paper 2 in each of IPR2016-00074 and IPR2016-00075. As no trial has been instituted based on either of these petitions, all proceedings are in the preliminary proceeding<sup>1</sup> stage. Based on the facts of these cases, it is appropriate to terminate the proceedings without instituting trial. Therefore, the Joint Motions to Terminate the proceedings are GRANTED.

Accordingly, it is

ORDERED that the Joint Requests that the parties' agreements (Exhibit 1010 and 1011 in IPR2016-00074; Exhibit 1016 and 1017 in IPR2016-00075) be treated as business confidential information, to be kept separate from the patent file are GRANTED;

FURTHER ORDERED that the Joint Motions to terminate the proceedings are GRANTED; and

FURTHER ORDERED that the instant proceedings are TERMINATED.

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<sup>1</sup> A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

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